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ART. I.—*A Political and Civil History of the United States of America, from the Year* 1763 *to the Close of the Administration of President Washington, in March,* 1797; *including a summary View of the Political and Civil State of the North American Colonies prior to that Period.* By TIMOTHY PITKIN. 2 vols. 8vo. New Haven. 1828. H. Howe.

THIS is the first attempt, we believe, to write a political and civil history of the United States, disconnected from military operations and the general thread of events. The plan has its advantages, but it may perhaps be doubted whether these are predominant. For a class of readers, already well versed in the narrative part of our history, this mode of grouping together and bringing into their proper relations the political incidents has much to recommend it; but this class is small. The mass of people read history mainly to be amused, and they are carried along with the narrative, even when the movements of the machinery of state, and the political acts and designs of rulers, have little in them to quicken interest, or gratify curiosity. There is another objection to this method. History is a series of causes and effects; it is a chain, in which each successive link depends on the preceding; you may call one political, and another military, and another social, yet there is a mutual relation and dependence between them, which cannot be broken without force, or without detriment. You may discuss the policy of a nation, of a particular administration, or of an indi-

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vidual ruler; you may examine political principles, the features of a constitution, the elements of social union, and penetrate as deeply as you will into the mysteries of government and the organization of society; all these topics may be treated to any extent as of separate importance, but when you weave them together into a history, without regarding the great public events of which they are the causes or consequences, you manifestly work at a disadvantage, and are able at last to sketch but an imperfect outline of the picture, which you aim to exhibit in its full proportions and distinctive colors.

It will be seen at once, therefore, that Mr Pitkin has undertaken a difficult task. It must not be understood, however, that he goes to the extreme, which some might infer from his title-page, of separating the political and civil from the other branches of history. He never loses sight of his chief purpose, yet he does not wholly discard narrative where it is essential to the developement of political principles and acts. Philosophical history makes no part of his plan, nor does he often venture into the region of conjecture or speculation; but his primary object is to embody, in as methodical a manner as the subject will admit, the political characteristics of the different forms of government and society, which have existed in this country, from the time of the first settlement of the colonies, till the retirement of Washington from the presidency. In prosecuting this design he brings under review the early charters, and traces their operation in the several colonies. The proprietary and royal governments are examined in the same manner. At length come the difficulties between the assemblies and governors, or rather between the people and the agents of royalty, which grew up into the causes of the revolution. These are pursued to their results. From that period to the end of his work he manages the abundance of his materials with good judgment, and with a strict adherence to his plan.

Mr Pitkin well observes in his Preface, that no complete history of the British Colonies in America can be written, without consulting the manuscript papers in the offices of the English government. In fact, it would be an absolute waste of time in any person to engage in such an undertaking, till he can have free and full access to this mass of materials. Chalmers had this privilege, and he seems to have used it effectually; but his work embraces a comparatively small part

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only of our colonial history, and that by no means the most attractive part. It was hoped, that Congress would take measures to procure copies of these papers, as both the states of Georgia and North Carolina had made application to the general government for this object, in reference to those states. The committee of ways and means, nearly two years ago, reported a bill recommending such a measure, and making provision for procuring copies of all the papers in the English offices, relating to the colonial history of this country. The bill, however, was never heard of more, and lay undisturbed upon the table, till it was swept away amidst the rubbish of forgotten things. Congress have so much to do with the present, that they find no leisure to think of the past. We all love to boast, and even our members of Congress are not loath to proclaim in the halls of legislation, that we are an enlightened, liberal, *and improving people; yet the British Parliament make an annual appropriation* for printing ancient manuscript records and documents, to more than double the amount it would cost to procure a copy of all the American colonial papers. They have commissioners of their own body appointed on purpose to superintend the selection and publication of these papers. Sir James Mackintosh is an active and zealous member of this board of commissioners. An editor is also appointed, whose business it is to examine the manuscripts, compare the printed sheets with the originals, and execute all the duties, which naturally devolve upon an editor. This is a work in perpetual progress, and will at length become a treasure of great importance for the future historians of England.

There is probably no nation in civilized Europe so indifferent to its history as the people of the United States; that is, if we may judge of the feelings of the people from the acts of their representatives. Our writers are fond of vague, abstract declamation about our ancestors; but who they were, or what they did, how they thought and how they lived, what influence they had upon their age, or in guiding the destiny that awaited their posterity; these are questions that very few ever dream to be worth investigating. They are, nevertheless, the essence of genuine history, and from them we are to learn, not only to reverence what is good in the characters and deeds of our forefathers, but to enjoy the inheritance they have transmitted to us, and profit by their example. Mere empty declamation about these things comes to nothing, except to puff up our van-

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ity, and add to our ignorance the ridiculousness of talking pompously about ourselves. It is time for our writers and declaimers to dismiss such puerilities, and betake themselves to the study of history in its stern attribute of truth, and in its dignified office of weighing in the scales of justice the acts of men and the records of ages.

Notwithstanding the difficulty of overcoming the *vis inertiæ* of Congress in such a matter as this, which has no bearing on the election of president or amendments of the constitution, yet there is a fair prospect that individuals will accomplish something. Biographies of eminent men, and local histories, are multiplying. These will bring out many facts, which the general historian may one day turn to a good account. It must be confessed, however, that these biographies are for the most part *eulogies;* and should the future historian rely on these alone for his authority, our descendants of the tenth generation will have the pride of looking back upon the most immaculate cluster of statesmen and heroes, that have adorned the annals of any nation. This is surely better than the contrary, but the best of all is truth. The eulogist is a partial judge of the acts and character of him, whom he sets up as a pattern, and tasks himself to praise. The histories of the different states, which are coming out from time to time, will contribute much to the general stock of materials.*

* We take this opportunity to notice one of the histories of this description, which has recently appeared. We refer to the 'History of Massachusetts, by ALDEN BRADFORD.' This work is a continuation of Hutchinson and Minot, and embraces a very interesting period of the history of the state. It is contained in three volumes, the last of which has just been published. The first volume treats of the time between the years 1764 and 1775, when Washington took the command of the American army; the second pursues the narrative to the beginning of the federal government under the constitution in 1789; and the third comes down to 1820. The author's long employment, as secretary of the commonwealth of Massachusetts, has given him peculiar advantages for examining authentic records and documents; and this, together with his well known love of historical research, ensures a value to these volumes for completeness, accuracy, and fidelity, which few authors have the means of imparting.

Among the periodical works of a historical character, HAZARD'S REGISTER OF PENNSYLVANIA deserves great praise. The volumes, that have already appeared, contain a rich fund of useful and important materials. Its purpose is to exhibit the statistics, political and civil transactions, progress of internal improvements, and every kind of useful information relating to Pennsylvania. It is made a

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Mr Pitkin traces briefly, but with discrimination, in the principles and forms of our colonial governments, the primary causes of the revolution, and the elements of the systems which succeeded. New England was under *charter governments*. These resembled each other in their prominent features, and secured important privileges to the people. They were allowed, for instance, to choose their own governors, to elect a legislative assembly, and establish courts of justice. The assembly was empowered to pass any laws concerning the colony, with the only provision that these laws should not be opposed to any of the laws of England. For a few of the first years of the Massachusetts government, the chief control was in the hands of the governor and his assistants. At length the people, whose numbers were increasing, began to claim a greater share in the administration of affairs. At a meeting they resolved, that the power to make laws, appoint officers, and impose taxes, should rest with the *General Court* alone, and that this General Court should be composed of two or three members chosen from each plantation by the people. 'This, though not strictly warranted by the charter, was generally assented to, and became a fundamental part of the constitution of the colony. The assistants and deputies at first met together in the same room, and the former claimed a negative on the acts of the latter. This created no little dispute between them, and was not finally settled until 1644, when it was mutually agreed, that the legislature should consist of two separate bodies, each having a negative on the other.' At this early period the mode of legislating by two separate houses was introduced into Massachusetts.

The origin of the Connecticut government was somewhat peculiar. A company of emigrants from Massachusetts settled on the Connecticut river, at the towns of Hartford, Wethersfield, and Windsor. The government was first in the hands of persons designated by the legislature of Massachusetts, called magistrates, and assisted by committees from the towns, who gave their advice on important occasions. This scheme was of short duration; for the people, finding themselves beyond

depository, also, of historical fragments of early times, selections from manuscripts, and reprints of rare pieces, which have a permanent value. It is the best devised and most successful attempt of the kind, which we have seen. The plan might be followed with great advantage in every state.

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the limits of the Massachusetts charter, thought it convenient to establish a form of government for themselves.

'The outlines of this constitution were, that there should be two general assemblies held in each year, one in April and the other in September. The one in April was called the court of election, at which were to be chosen a governor, and six magistrates, at least, and other public officers, as should be found requisite—the governor and magistrates to hold their offices for one year, and the governor was to be chosen from the magistrates. The governor and magistrates to be elected by those admitted freemen by the towns, and had taken the oath of fidelity. The mode of electing magistrates, was, it is believed, peculiar to Connecticut, and well calculated to prevent the choice of improper persons, either from the momentary impulse of the electors, or intrigues of the candidates. No person could be elected to that important station, who had not been proposed or nominated at some preceding General Court. The towns, by themselves, or their representatives, had a right to make such nominations, and transmit them to the court, and the court might add such names as they thought proper. The names of the persons thus nominated were published, and out of this number alone could the magistrates be chosen, by secret ballot, in the following manner. On the day of election, the names of the persons thus nominated at the preceding assembly, were called over in order by the secretary; and the freeman who desired the person called to be chosen, gave in a piece of paper, with some writing upon it; and those who did not wish him to be elected, gave in a blank; and those who had more written than blank papers were elected. No person could be chosen governor for two years in succession; and the governor must have been a magistrate, and also a member of some approved congregation.

'The towns were to be represented in the general assembly by deputies, chosen by the freemen of the same; the towns of Hartfort, Wethersfield, and Windsor, to send four each, and the towns afterwards to be made, as many as the court should direct. The representatives to be chosen by those who had been admitted inhabitants of the town, and taken the oath of fidelity.' Vol. I. pp. 43, 44.

It is remarkable, that the substance of this system, or constitution, founded at the very outset of the colony, was retained in the charter of Charles the Second, and remained the same throughout the colonial period, the changes of the revolution, under the constitution of the United States, and even down to the new constitution of Connecticut, adopted eleven years ago, into which instrument many of its principles are incorporated.

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The settlement on the Connecticut river consisted of eight hundred persons, when this form of government was instituted.

All the world knows the history of Roger Williams, and the liberal and enlightened spirit by which the institutions of Rhode Island were established under his influence. So well did these accord with the principles of liberty and right, that the charter obtained in conformity with them, not only secured to the people the privilege of self-government under the colonial organization, but formed the basis of a system entirely adequate to all the ends of a free government in its widest application.

The most remarkable feature in the history of the charter governments is the confederacy into which they entered in 1643. Besides its agency in guiding the events of the time, it was the prototype of the confederacy of the states during the revolution, which was in fact the germ and vivifying principle of our existence as a nation. There is so much similarity in the substance of the two confederations, as to prove that the legislators in Congress were not unwilling to profit by the wisdom and example of their forefathers. The author describes the New England confederacy as follows.

'This union was proposed by the colonies of Connecticut and New Haven, as early as 1638, but was not finally completed until five years after. This confederacy of these infant colonies continued about forty years; and the confederacy itself, and the proceedings under it, constitute an interesting portion of the political history of New England. It consisted of the colonies of Massachusetts, New Plymouth, Connecticut, and New Haven. By the articles of confederation, as they were called, these colonies entered into a firm and perpetual league of *friendship and amity*, for offence and defence, mutual advice and succor, upon all just occasions, both for preserving and propagating the truth and liberties of the Gospel, and for their own mutual *safety and welfare*. Each colony was to retain its own peculiar jurisdiction and government; and no other plantation or colony was to be received as a confederate, nor any two of the confederates to be united into one jurisdiction, without the consent of the rest. The affairs of the united colonies were to be managed by a legislature to consist of two persons, styled commissioners, chosen from each colony. These commissioners had power "to hear, examine, weigh, and determine all affairs of war or peace, leagues, aids, charges, and number of men for war,—division of spoils, and whatsoever is gotten by conquest—receiving of more confederates for plantations, into combination with any of the confederates; and all things of a like nature, which are the proper *concomitants* and *consequences*

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of such a confederation for amity, offence, and defence; not intermeddling with the government of any of the jurisdictions, which, by the third article, is preserved entirely to themselves." The commissioners were to meet annually, in each colony, in succession, and when met, to choose a president, and the determination of any six to be binding on all.

'The expenses of all just wars to be borne by each colony, in proportion to its number of male inhabitants of whatever quality or condition, between the ages of sixteen and sixty.

'In case any colony should be suddenly invaded, on motion and request of three magistrates of such colony, the other confederates were immediately to send aid to the colony invaded, in men, Massachusetts one hundred, and the other colonies forty-five each, or for a less number, in the same proportion.

'The commissioners, however, were very properly directed, afterwards, to take into consideration the cause of such war or invasion, and if it should appear that the fault was in the colony invaded, such colony was not only to make satisfaction to the invaders, but to bear all the expenses of the war.

'The commissioners were also authorized "to frame and establish agreements and orders in general cases of a civil nature, wherein all the plantations were interested, for preserving peace among themselves, and preventing as much as may be all occasions of war, or difference with others, as about the free and speedy passage of justice, in every jurisdiction, to all the confederates equally as to their own, receiving those that remove from one plantation to another, without due certificates."

'It was, also, very wisely provided in the articles, that runaway servants, and fugitives from justice, should be returned to the colonies where they belonged, or from which they had fled. If any of the confederates should violate any of the articles, or, in any way injure any one of the other colonies, "such breach of agreement, or injury, was to be considered and ordered" by the commissioners of the other colonies. This confederacy, which was declared to be perpetual, continued without any essential alteration, until the New England colonies were deprived of their charter by the arbitrary proceedings of James II. In the year 1648, some of the inhabitants of Rhode Island requested to be admitted into the confederacy, but they were informed that the Island was within the patent granted to New Plymouth, and therefore their request was denied.' Vol. I. pp. 50, 51.

The main objects of the confederates were to protect themselves against the Dutch at New York, and the Indians. The line between New York and Connecticut was run and settled under the direction of the commissioners, and the famous war

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with King Philip was prosecuted by the united forces of the confederate colonies.

An anecdote in the history of those times shows, that tariff-making is not a modern device in our legislation. The town of Springfield, on the Connecticut river, was within the jurisdiction of Massachusetts. A fort had been erected at the mouth of the river, which was supported at the charge of Connecticut, and the provident people of that colony imposed a duty on certain articles, which the inhabitants of Springfield were in the habit of carrying down the river, in search of a market, beyond the limits of the colony; alleging as a reason, that, as the people of Springfield were benefited by the protection derived from the fortification at the mouth of the river, they ought to contribute their share of its expense. This was deemed a grievance and an indignity by Massachusetts, and, according to the provisions of the confederation, the case was referred for decision to Plymouth and New Haven, as not being interested in the result. They gave it in favor of Connecticut. Far from being satisfied with this judgment, Massachusetts resorted to a retaliatory act, imposing a duty on similar articles imported from New Haven, Connecticut, and Plymouth, within the Castle of Boston harbor; assigning as a reason, that the castle had been built and was kept up at a great expense for the protection of all ships, which entered the harbor. At the next meeting of the commissioners a remonstrance was brought in from the three colonies; but as the fort at Saybrook was soon after destroyed by fire, and the duties in consequence abolished, the affair was pursued no farther.

The charter governments were founded on a more liberal basis than the others, as they left much in the hands of the people. They were not without troubles and embarrassments. The king and parliament claimed the right of altering them, or even revoking them altogether; whereas the colonies denied such right, affirming that the charters were sacred compacts, which could not be annulled or infringed, unless their conditions had been violated by the party to whom they were granted. The charters were, nevertheless, sometimes forcibly taken away, and the injuries thus inflicted led to ceaseless contentions, which were among the chief causes of the revolution.

The *proprietary governments*, as the name indicates, were in the hands of proprietors, or individuals, who had derived grants from the king in their own name, with authority to set up

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a civil government and make laws, under certain restrictions with reference to the crown. This plan prevailed in Maryland, Pennsylvania, the Carolinas, and the Jerseys. The most remarkable of the proprietary governments was that of Pennsylvania, on account of the peculiar character and humane purposes of its founder. Pennsylvania and Maryland were the only colonies, which remained under the proprietary system till the revolution; the others had reverted to the crown, and become royal governments at a much earlier date.

This system, in fact, answered but indifferently the ends of colonization. It was suited only to an old country, where the lands were held in large portions, and the people accustomed to the condition of tenants. In a new country, where all are laborers, it is essential to the prosperity of the community, and the happiness of the people individually, that the land should be held in small parcels and in fee simple by the laborers themselves. Each man will feel, that his exertions are for his own benefit and for that of his family, and out of regard to his interest he will become an efficient and faithful member of the body politic, to whose laws and restraints he chooses to submit. There was a marked difference, in this respect, between the proprietary and charter governments. 'The New England colonists,' says Mr. Pitkin, 'clung to their charters as the ark of their political safety, in opposition to the claims of the king and parliament; while those under the proprietary governments, and especially in Pennsylvania, New Jersey, and Carolina, on the other hand, sought refuge and protection from the oppression of the proprietors, under a royal government.' In short, under the proprietors, even those who were personally least objectionable, the people were always restless, full of complaints, and struggling for a change.

The rule of taxation, adopted by the proprietors, gave the greatest offence, and caused serious difficulties, particularly in Pennsylvania. They insisted on having their property, which in lands extended to a large portion of the province, exempted from taxation, even when this was laid for the defence of the colony, and for the mutual protection of property. So inequitable a demand very naturally incensed the people. The deputy governors, who resided in the colony, were instructed not to sanction money bills, which did not recognise this exemption. The assembly considered this a breach of chartered right, and sent a remonstrance to the king by the hands of Dr

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Franklin. He succeeded in bringing the proprietors to consent, that their estates should bear a proportional assessment, although they afterwards endeavored to revoke this decision. The disputes and difficulties increased, till they were superseded by the more stirring events, which finally broke the chain of colonial dependence.

The third mode of governing the colonies, by *royal governments*, is described in the following brief summary of the author.

'The governor and the council were appointed by the crown, and the people elected representatives to serve in the colonial legislatures. The governor held his office by a commission from the king, and was to be governed by such royal instructions, as he from time to time received. The council derived their authority, both executive and legislative, from the same instructions. In their legislative capacity, they constituted the upper house, having a negative on the acts of the representatives; and in their executive capacity they acted as advisers of the governor. The latter had a negative on the acts of both houses; and the acts themselves, though approved by the governor, were finally subject to the revision of the crown. The judges and most of the other officers were, also, appointed by the king. The judges held their offices during the pleasure of the crown; and the governor, as well as the judges, were at first dependent upon the colonial legislatures for their salaries.' Vol. I. p. 71.

Under this system the people complained of many oppressions from the governors; but that it was more acceptable than the proprietary system, is to be inferred from the fact, that the colonists under the proprietors wished the latter to be exchanged for the former. The royal governors were too independent of the assemblies. They would refuse to convene them regularly, or prorogue them in a fit of passion or caprice, when they were not yielding to their demands, and harass them by insisting on some odious prerogative, or making claims as odious, or affixing their *veto* to important bills. The assemblies commonly revenged themselves by withholding grants of money, and passing high-toned resolutions, and now and then sending a spirited remonstrance to the crown. The contest, begun in ill humor, and continued with recrimination, usually ended in reproaches and mutual disrespect. The history of Virginia and New York afford illustrations in point.

Were it consistent with our present object, it would be interesting to accompany the author through the several stages

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of colonial history, and witness from step to step the progress of those principles and occurrences, which paved the way to the opening scenes of the revolution. This curious research has never yet been prosecuted with the aid of all the lights that are to be thrown upon it. The great landmarks, however, are already fixed; and it must be the fortunate enterprise of some future historian to complete the task, when time shall unfold its records, and the past give up its treasures to the present. On two great topics, *representation* and *taxation*, there was an incessant difference of opinion between the king and parliament, and the colonists. The governors and assemblies were frequently in a quarrel on these points. The colonists claimed it as the basis of their *rights*, to make the laws by which they were to be governed, and to impose the taxes they were to pay. The contest respecting the former was confined to the royal governments, for the right of representation was secured by charter to the people under the charter and proprietary systems. It was decided by the law authorities in England, that the king could alter or annul at pleasure the laws passed by the assemblies under the royal governments. This decision was founded on the notion, that the right of representation depended on the will of the king, and was derived to the colonies by the commissions and instructions of the crown. These doctrines struck at the very root of freedom, making the assemblies a mere cipher, and virtually taking from the people all participation in the government. They were a fruitful source of animosity and contention.

The subject of *taxation* spread into much wider consequences, because it applied equally to all the colonies. From the beginning, the colonists had at various times declared, that no taxes could be levied except by the representatives of the people, chosen by themselves. They uniformly acted on this principle, in opposition to the repeated attempts of the governors to extort money on various pretences. No systematic plan was adopted, however, as a ministerial measure, for laying internal taxes on the colonies, till the French power had become reduced in America. Such a project had been suggested to Walpole and Pitt during their administrations, but never adopted or matured. 'I will leave the taxation of the Americans,' said Walpole, 'for some of my successors, who may have more courage than I have, and be less a friend to com-

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merce.' After the termination of the French war, it was deemed a favorable opportunity to carry the project into effect, under pretence of raising money to discharge the debt incurred in that war, chiefly, it was said, on account of the colonies, to protect them against a powerful enemy. This was a short-sighted and impolitic view of the matter; for after the colonists were freed from the fear of their old enemies, the French, on their frontiers, it was not likely they would be more ready to yield to what they deemed oppressive demands from the mother country. This juncture was, therefore, unwisely chosen for the experiment, as the result proved. The stamp act was passed, and its fate was such, as hardly to encourage a future attempt. Yet the same ignorance of the temper and feelings of the colonists, the same infatuation of the ministry, spurred on by the mortification of a former defeat, and a fixed resolution to subdue the refractory spirit of the colonies, prompted to a speedy repetition of the same measure. The anecdote in the following extract shows in what manner men are sometimes impelled to act, on important occasions, without regard to the merits of the question.

'A new administration was formed, under the direction of Mr Pitt, composed of men of different political principles and parties. The Duke of Grafton was placed at the head of the treasury, Lord Shelburne was joined with General Conway, as one of the secretaries of state. Charles Townshend was made chancellor of the exchequer, Camden, lord chancellor, Pitt had the privy seal, and was made a peer, with the title of the Earl of Chatham, and Lord North and George Cooke were joint paymasters. Under this chequered administration, afterwards so ludicrously described by Mr Burke, the scheme of taxing America was revived. In May 1767, the new chancellor of the exechequer submitted a plan of this kind to parliament. Charles Townshend was a man of genius and talents, but of high passions, eccentric, and versatile. He had warmly supported Lord Grenville, in the passage of the stamp act, and had voted with the Marquis of Rockingham, in its repeal. The ex-minister, Grenville, may indeed be considered the real author of the second plan for taxing the colonies. He lost no opportunity, in the House of Commons, of passing severe censures on the Americans, for their obstinacy and ingratitude in refusing to pay their proportion of the public expenses; nor was he sparing of his complaints against the ministry and parliament, for their weakness and cowardice in yielding to the claims of the colonists.

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'Declaiming, as usual, one evening, on American affairs, he addressed himself particularly to the ministers,—"You are cowards," he said; "you are afraid of the Americans, you dare not tax America." This he repeated in different language. Upon this Townshend took fire, immediately rose and said, "Fear, fear, cowards, dare not tax America! I dare tax America."

'Grenville stood silent for a moment, and then said,—"Dare you tax America? I wish to God I could see it." Townshend replied, "I will, I will."

'Soon after this he submitted to the House a bill imposing duties on glass, paper, paste-board, white and red lead, painters' colors, and tea, imported into the colonies.' Vol. I. pp. 216, 217.

Mr Pitkin refers for this anecdote to the manuscript papers of Dr William S. Johnson, who was then in England as agent for Connecticut.

From this date the author's work acquires a new interest. By bringing into view only the political history of the revolution he is enabled to go more fully into that subject, than previous writers. We do not agree with all his positions, but doubtless they are as accurate as could be made from the materials to which he had access. For instance, he tells us, that 'the project of reducing Canada was brought before Congress soon after the arrival of the French minister, and was warmly supported, if not suggested by him.' Now, so far from supporting such a measure, the French minister was expressly instructed not to listen to it; and this was the uniform tenor of the instructions of the French government, not only to their ministers in this country, but to their military officers. It has been said, that France wished the Americans to seize Canada, that it might be ceded to her on a treaty of peace. This is not true, although such a suggestion was made to France by Congress. To all hints of this sort, alike in regard to Canada, Nova Scotia, and the Floridas, the French ministry replied, that the king could not aid the Americans in projects of *conquest;* that he was pledged to support them in their claim to the territory of the United States, which they had declared independent, and this pledge he would faithfully execute; but as he did not undertake to assist them in pushing conquests, nor did he think it for their interest, and as he had no wish to gain any accessions of territory for himself on the American continent, he must decline uniting with them in any such schemes. The policy of France in adopting this course we shall not stop to examine, but the fact is unquestionable.

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The negotiations for the treaty of peace are among the most important in the annals of diplomacy. Peace was at the same time to be made between five contending powers. The clashing interests thus involved threw innumerable difficulties in the way, and threatened serious embarrassments. These were in some degree diminished and removed, by carrying on the negotiations in separate parts. That is, separate commissioners were appointed to negotiate with the Americans, and with the other powers. This method gave a unity and simplicity to the business, which it could not have possessed, if the negotiations had proceeded together. The plan was proposed by Dr Franklin, and cordially acceded to by the British and French ministry.

Several erroneous statements have gone abroad, and been formally repeated in histories, respecting the American negotiations at Paris for the treaty of peace. This is not the place to examine the subject in all its parts, but there is one point on which we feel it our duty to speak in the present connexion. Our thoughts are called to it by an extraordinary passage in Mr Cooper's late work on the United States. His words are here quoted.

'The Count de Vergennes had early succeeded in persuading Dr Franklin, that as England could not, nor would not formally acknowledge the *Independence* of America, his better course would be to accept a *truce* for twenty years, at the end of which period his country would be sufficiently strong to take what she needed for herself. The philosopher is said to have acquiesced in this opinion, and began to stir his mighty reason in maturing the terms of this remarkable truce. In this state of mind he was found by Mr Jay on his arrival from Madrid. The latter was not slow to perceive the effects of such a course, nor to detect the secret source whence the insidious counsel flowed.

'Mr Jay denounced the policy of the Count de Vergennes, and declared that the unqualified independence of his country must be a *sine quâ non* in any treaty which bore his name. Mr Adams soon joined the negotiation, and took the side of independence. Franklin, who was at heart a true patriot, suffered the film to be drawn from his eyes, and perfect union soon presided in their councils. But England had not been unapprised of the disposition of America to receive a truce. Her commissioner, Mr Oswald, appeared with instructions to go no further. In this dilemma a step is ascribed to Mr Jay, that I believe is as remarkable for its boldness as for its good sense. He is said to have written, with his own hand, to the English secretary of

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state, pointing out the bad consequences to England herself, if she adhered to her present policy. By keeping the truce suspended over America, she forced that country to lean on France for support; whereas by admitting her at once into the rank of nations, England would obtain a valuable customer, and might also secure a natural friend. Thus instructed in a better policy, the English minister saw his error; and the same courier, who conveyed the letter of Mr Jay, returned with instructions to Mr Oswald to acknowledge the independence of the United States. Finding themselves embarrassed by the Count de Vergennes, believing they were betrayed, in the spirit of their alliance at least, and knowing that France could not find the smallest difficulty in settling her own affairs without their agency, the American commissioners proceeded to sign a treaty of peace in the very teeth of their instructions, without the knowledge of the French minister.'—*Notions of the Americans, &c.* Vol. I. p. 77.

It would be difficult to comprise a larger number of errors within the same compass, than are contained in this extract, or to throw a more deceptive coloring over the few facts that are mingled with them. In the first place, the author's notions of the *truce*, which he mentions, are imaginary, having hardly a shadow of foundation. The idea of a truce was first suggested by Spain, three years before the negotiations for peace, when his Catholic Majesty made an effort to mediate between France and England. To relieve this mediation from the American difficulties, it was thought a long truce between England and the United States, something like that which existed formerly between Spain and Holland, might be resorted to in a manner advantageous to both parties. The idea seemed practicable to the French court, and the minister of his Most Christian Majesty at Philadelphia was instructed to lay the subject before Congress. This was accordingly done; and although there was a difference of opinion, yet a majority approved the project, on the supposition that peace could not be obtained on favorable terms, and the commissioners were authorized to treat for a *truce* on certain conditions. The instructions from the British ministry to Mr Oswald also purported, that he was to treat for a 'peace or truce.' But here the affair ended. The Spanish mediation failed; nor does it appear that the subject of a *truce* ever came into discussion in any way whatever between the British and American commissioners. From the very outset we hear of nothing but propositions for a *treaty of peace*. It is true, the truce was much talked about, both in

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America and in Europe, after the proposal of Spain; but we repeat, that the subject never came formally before the commissioners during their negotiations for peace. This fact alone destroys the whole superstructure of Mr Cooper's narrative.

If we pursue his remarks further, we shall find them to involve graver errors. The implied censure on the character of Franklin, and the part he took in these transactions, is equally unjust and incorrect. It is in fact directly opposite to the reality. The author would have us infer, that Dr Franklin was indifferent to the independence of his country, and that this acquisition, as preparing the way for a permanent treaty, was chiefly owing to the firmness and superior patriotism of Mr Jay. Let us see how this accords with facts.

Mr Jay arrived in Paris from Spain on the twenty-third of June. Two or three months before this date, the British ministry began to think seriously of peace; and Mr Oswald was sent to Paris with instructions to converse freely with Dr Franklin, and endeavor to ascertain the nature and extent of the American claims, as well as the disposition of the French ministry in regard to peace. Mr Oswald accordingly had several interviews with Dr Franklin, talked over from time to time the general outlines of a proposed reconciliation and peace between England and the United States, and reported the substance of his conversations to his government. Dr Franklin was, at first, reserved in his communications, but assured the British agent, that the United States were ready to make a peace on honorable and equal terms, whenever it should appear, that their enemies were prepared to meet them on that ground. Being convinced at length of the sincerity of Mr Oswald's intentions, and that the British ministry were in earnest, Dr Franklin submitted to him certain propositions, which he said would come under consideration in negotiating for a peace. The following extract of a letter from Mr Oswald to the Earl of Shelburne, dated the tenth of July, 1782, will explain the nature of these propositions, and the views of Dr Franklin.

'In consequence of Dr Franklin's appointment, as mentioned in my letter of the eighth, I went out to his house this morning, and staid with him near two hours, with a view of obtaining the information and advice I wished for, as to the terms and conditions upon which he thought a treaty between Great Britain and the commissioners of the colonies might be carrying on and proceed to a conclusion. Having reminded him of what he in a

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manner promised on the sixth, he took out a minute and read from it a few hints, or articles; some, he said, as necessary for them to insist on; others, which he could not say he had any orders about, or were not absolutely demanded, and yet such as it would be advisable for England to offer for the sake of reconciliation and her future interest; viz.

'Points NECESSARY to be granted;

'1. Independence, full and complete in every sense, to the thirteen United States, and all troops to be withdrawn from thence.

'2. A settlement of the boundaries of *their* colonies, and the loyal colonies.

'3. A confinement of the boundaries of Canada, at least to what they were before the last act of parliament, I think in 1774, if not to a still more contracted state on ancient footing.

'4. A freedom of fishing on the Banks of Newfoundland. I own I wondered he should have thought it necessary to ask for this privilege.

'Then as to the ADVISABLE articles, or such, as a friend, he would recommend to be offered by England;

'1. To indemnify many people who had been ruined by towns burnt and destroyed. The whole might not exceed five or six hundred thousand pounds. I was struck at this. However the Doctor said, though it was a large sum, it would not be ill bestowed, as it would conciliate the resentment of a multitude of poor sufferers, who would have no other remedy, and who, without some relief, would keep up a secret revenge and animosity, for a long time to come, against Great Britain; whereas a voluntary offer of such a reparation would diffuse a universal calm and conciliation over the whole country.

'2. Some sort of acknowledgment in some public act of parliament, or otherwise, of our error in distressing those countries so much as we had done. A few words of that kind, the Doctor said, would do more good than people could imagine.

'3. Colony ships and trade to be received and have the same privileges in Britain and Ireland, as British ships and trade. I did not ask any explanation on that head for the present. British and Irish ships in the colonies, to be, in like manner, on the same footing with their own ships.

'4. Giving up every part of Canada.

'If there were any other articles of either kind, I cannot now recollect them, but I do not think there were any of material consequence; and I perhaps was the less attentive in the enumera-

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tion, that it had been agreed to give me the whole in writing. But after some reflection, the Doctor said he did not like to give such writing, and, hesitating a good deal about it, asked me if I had seen Mr Jay, the other commissioner lately come from Madrid. I said I had not. He then told me it would be proper I should see him, and he would fix a time for our meeting, and seemed to think he should himself want to confer with him before he gave a final answer. I told him if I had such final answer, and had leave, I would carry it over to England. He said that would be right, but as Mr Grenville told him he expected another courier in four or five days, I had better wait so long, and he would write along with me.

'Upon the whole the Doctor expressed himself in a friendly way toward England, and was not without hope, that if we should settle on this occasion in the way he wished, England would not only have a beneficial intercourse with the colonies, but at last it might end in a federal union between them. In the mean time we ought to take care not to force them into the hands of other people.

'From this conversation I have some hopes, that it is possible to put an end to the American quarrel in a short time, and when that is done I have a notion that a treaty with the other powers will go more smoothly on. The Doctor did not, in the course of the above conversation, hesitate as to a conclusion with them, on account of any connexion with those other states, and in general seemed to think their American affairs must be ended by a separate commission. On these occasions I said, I supposed in case of such a commission he meant that the power of granting Independence would be therein *expressly mentioned.* He said, No doubt.'

In considering this letter, it is important to keep in mind, that it was written before the British commissioner had seen Mr Jay, and three months and a half before Mr Adams arrived in Paris. It must be deemed, therefore, as expressing the unbiassed opinions of Dr Franklin, and the results of his previous conversations with Mr Oswald. Let it be observed, that in this paper, *independence is made the preliminary step to all other proceedings.* Let it be moreover observed, that it contains *all* the essential outlines of the peace, as it was actually concluded. Certain histories have told us, that Franklin was lukewarm about the fisheries, and willing to pass them over, but in this paper they are enumerated as an ESSENTIAL. It is a fact capable of demonstration, that, from the beginning to the end of the negotiation, he was a strenuous asserter of this privi-

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lege for the United States. In regard to his notion of *independence*, and *the fisheries*, Mr Grenville, the British commissioner for negotiating with France, writes as follows to Lord Shelburne, on the ninth of July; 'The other day, for the first time, Dr Franklin gave me to understand, that America must have her share in the Newfoundland fishery; that the limits of Canada would likewise be a subject for arrangement; nor does he cease to give the most decided discouragement to any possible plan of arrangement with America, short of *complete and distinct independence in its fullest sense.*' This was the very time when Mr Cooper tells us, that Franklin was 'stirring his mighty reason in maturing the terms of the remarkable truce,' and that 'in this state of mind' he was found by Mr Jay. The subject need not be pursued. The testimony is complete and irresistible.

As to another part of the extract, which tells of an extraordinary letter from Mr Jay to the English secretary of state, it is left without any meaning, when it is known, that no truce was in agitation; for the letter is said to have been caused by the dilemma into which the negotiators were thrown, on account of the instructions of Mr Oswald to negotiate only for a truce. As Mr Oswald had no instructions of this kind, the supposition of such a letter vanishes. It may be, that the author had in his mind a vague recollection of a circumstance which happened at another time. In the primary stages of the negotiation, the British ministry had declared through their commissioners in the most explicit terms, that the independence of the United States was to be recognised as a preliminary step to the treaty; but after the death of the Marquis of Rockingham, which happened on the first of July, there seemed to be a change in the views of the ministry. Lord Shelburne, who succeeded the Marquis of Rockingham as first lord of the treasury, was opposed to a direct acknowledgment of independence, and the commission sent to Mr Oswald by the new ministry signified, that this was to be granted *as an article of treaty*, and not by a previous acknowledgment, and the United States were also denominated *Colonies* in the instrument. The American commissioners were much surprised at this change in a point, which they supposed to be settled. Mr Jay, in particular, earnestly remonstrated against it, as being inconsistent with the dignity of the United States. Franklin did not see it exactly in that light, although he pre-

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ferred the old method. He doubted, however, whether it was best to break off or delay the treaty on this account, as it was evidently the intention of the British government to acknowledge unqualified independence, although in a different manner from that first proposed. He considered the giving of such a commission to treat with them as a separate nation, to be a virtual acknowledgment of independence. In this opinion he was sustained by a letter, which he had some time before received from Mr Adams in Holland. 'In a former letter,' says Mr Adams, 'I hinted that I thought an express acknowledgment of our independence might now be insisted on, but I did not mean, that we should insist on such an article in the treaty. If they make a treaty of peace with the United States of America, this is acknowledgment enough for me.' When Count de Vergennes was consulted, he said that 'names signified little,' that he thought all the ends might be obtained under this commission, that 'Mr Oswald's acceptance of their powers, in which they were styled Commissioners from the United States of America, would be a tacit admittance of independence,' and that all they had to do was to secure this independence 'by inserting proper articles in the treaty, and fixing limits against all future claims.' Mr Jay was not satisfied with this view of the subject. He insisted, that the dignity of the United States required a formal acknowledgment distinct from the treaty.

Impressed with this idea, he had an interview with Mr Oswald, and explained to him fully the difficulties under which he labored. At Mr Oswald's request he stated his objections in writing, and urged the necessity of England's treating with America on an equal footing. Mr Oswald promised to acquaint the ministry with these reasons, and request a change in the terms of his commission.

Meantime the French cabinet, having heard frequent rumors of Lord Shelburne's insincerity in regard to proposals for peace, sent over secretly Mr Rayneval, secretary of the council, to consult with him, and ascertain from his own observations the actual designs of the British court. This journey, although kept secret at first, soon became known in Paris; and as it happened just at the time of the discussion about Mr Oswald's powers, Mr Jay's suspicions were awakened, and he could see nothing in this manœuvre but some concealed purpose against the United States. He believed that Count de Vergennes wish-

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ed the acknowledgment of independence to be deferred, that he might take advantage of this state of things, till the French treaty with England was completed. Dr Franklin had no such fears, but said to Mr Jay, 'This court has hitherto treated us very fairly, and suspicion to their disadvantage should not be readily entertained.' The idea of some ill design on the part of France against America had seized Mr Jay's mind so forcibly, that it was not to be dislodged by this mode of reasoning. His imagination was fertile in devising the means of evil, which our ally had it in her power to practise upon the United States, in promoting her own selfish ends. As a specimen of these workings of the imagination, we quote what he considered to be the reasons of Mr Rayneval's visit to London.

'1. To let Lord Shelburne know, that the demands of America to be treated by Britain as independent, previously to a treaty, were not approved or countenanced by this court, and that the offer of Britain to make that acknowledgment, in an article of the proposed treaty, was, in the Count's opinion, sufficient.

'2. To sound Lord Shelburne on the subject of the fishery, and to discover whether Britain would divide it with France, to the exclusion of all others.

'3. To impress Lord Shelburne with the determination of Spain to possess the exclusive navigation of the Gulf of Mexico, and of their desire to keep us from the Mississippi; and also to hint the propriety of such a line, as on the one hand would satisfy Spain, and on the other leave to Britain all the country north of the Ohio.

'4. To make such other verbal overtures to Lord Shelburne, as it might not be advisable to reduce to writing; and to judge from the general tenor of his lordship's answers and conversation, whether it was probable that a general peace, on terms agreeable to France, could be effected, in order that, if that was not the case, an immediate stop might be put to the negotiation.'

Mr Jay thought this prospect very alarming for the treaty of the United States, and hastened to apply a remedy with the utmost expedition. A gentleman was then in Paris, who was on terms of intimacy with Lord Shelburne, and who, at the request of Mr Jay, agreed to go over to London and converse with his lordship on this subject. This gentleman was furnished by Mr Jay with the arguments, which he wished to operate on Lord Shelburne's mind, in neutralizing the supposed efforts

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of Mr Rayneval against the interests of the United States, and in convincing Lord Shelburne, that it was better to make a firm friend of America, than to gain what might at first be thought a temporary advantage, by listening to the insinuations of France. The messenger went to London with these instructions, and performed his task faithfully.

As it turned out, however, there was no occasion for any alarm at all, on the part of the American commissioners. Mr Rayneval's visit had a purpose totally unconnected with their concerns. We have before us a copy of the '*Confidential Note*,' which he submitted in writing to the British ministers during his stay in London, and which contains the topics of his conversations with them. They are here printed from a literal transcript.

'1. As the independence of America is a thing agreed upon, no remark needs be made on that subject.

'2. Restitution of St Lucia, and retrocession of Dominica.

'3. An arrangement for the fisheries of Newfoundland. This matter has been treated discursively with Mr Fitzherbert. If the ideas which have been proposed to him are judged impracticable, I am persuaded they will be weighed with equity at Versailles.

'4. Senegal was an ancient possession of France; she claims to preserve it with its dependences.

'5. The reëstablishment of France in India on the footing of 1754; or, to indicate another epoch, 1749. France does not pretend to acquire territory in India. She demands only an arrangement, which shall ensure the tranquillity of her factories, and provide for their expense.

'6. An abrogation of all the stipulations relative to Dunkirk.

'7. I have said in regard to the king of Spain, that I have been authorized only to give the strongest assurances of his pacific dispositions; but my personal desire to put his Britannic Majesty in a condition to appreciate the means of promoting the peace, has determined me to mention the king of Spain's intention to acquire Gibraltar either by conquest or otherwise. And presupposing that it would be for the interest of England to have in the Mediterranean a point of support for their commerce to the Levant, I have said that I was persuaded that in whatever manner the king of Spain might acquire Gibraltar, that prince would be disposed to assure to Great Britain such a point in the Mediteranean.

'8. It is natural that Holland should demand a restitution of what she has lost. France will facilitate this restitution.'

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From this note it seems, that nothing was said about American affairs, except to confirm the independence of the United States, the very topic which Mr Jay had imagined would be made the handle for gaining advantages over them, and which he believed to be the chief cause of Mr Rayneval's journey. This result justified Dr Franklin's opinion, and proved Mr Jay's apprehensions not to be well founded. It is certain, however, that they made a deep impression upon him, and had an influence over his mind, which was probably never removed. Mr Rayneval's confidential note was not made public, and Mr Jay had no means of knowing what had occurred in his interviews with the British ministry. Mr Oswald's commission was changed, in conformity with the first article of the above note, and the negotiators immediately entered upon their work in earnest.

We take occasion here to remark, that Mr Jay's correspondence generally, in regard to France, was too much tinged with suspicions for which he really had very slender reasons, but into which he was led by a series of incidents, that seemed to him inexplicable. The truth is, he had been but a few weeks in Paris, was unacquainted with the details of the French cabinet and the character of the ministers, and had joined the negotiation in its progress. Jealous of his country's rights, elevated in his political principles, true and firm in his patriotism, he watched with a keen eye whatever bore on these topics, and regarded with suspicion the acts and hints, for which he could not discover an obvious motive. When his confidence was once shaken, he gave a great latitude to his conjectures, as we have seen by the example already cited, and he allowed even his judgment to be carried out of its usual course. Dr Franklin, on the contrary, had lived in Paris during the whole war, and had been compelled, from his situation, to hold a constant and close intercourse with the French court; he had thus become intimately acquainted with the characters of the men, their system of policy, and habits of action. Repeated experiments had proved to him in what they were to be trusted and to what extent. Hence, when Mr Jay became alarmed, Franklin was cool and unsuspecting. Satisfied of the good faith of the men, whose entire course of policy he had known for years, he could not admit that there was a dereliction of principle, a deviation from the uniform consistency which he had so long witnessed, until he should see stronger evidence than had yet come to light; and he deemed it a duty to wait

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for other events, before he committed the injustice of condemning the conduct of men, who, in all that related to his transactions with them, had been found true to their professions. The issue confirmed the correctness of Dr Franklin's views in this respect, and afforded another proof, if another were wanting, of his sagacity and wisdom.

In short, after an inquiry of no small extent, and with no common facilities, on the subject of our foreign relations during the Revolution, in which Franklin bore so conspicuous a part, we have been impressed with the firmest conviction, not more of his remarkable qualities and powers, than of his strict and undeviating integrity, the purity of his patriotism, his zeal in the cause of his country, and his firmness in maintaining its rights. Every step we have taken has developed some new proofs. The party rancor of the times, the personal jealousy of some of his coadjutors, and a combination of circumstances that may easily be explained, gave a currency to insinuations against his political character, which have been too readily incorporated into history. We shall only add, that we believe those insinuations to have been as ill founded in fact, as they have been unjust and hurtful in their effects.

Mr Pitkin's History is brought down to the close of Washington's administration, and the interest is well sustained to the end. The difficulties encountered under the old confederation, the origin and formation of the new constitution, and the eventful period of Washington's presidency, are dwelt upon in a manner which shows, not only the familiar acquaintance of the author with what he describes, but his knowledge of the spirit of the times, and of the aims and purposes of the principal actors.

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ART. II.—1. *Observaciones sobre las Reformas Políticas de Colombia.* Por J. M. SALAZAR, LL. D. Filadelfia. 1828.

2. *Ensayo sobre la Conducta del General Bolivar.* Reimpreso de los Números 11, 13 y 14 del Duende de Buenos Ayres. Santiago de Chile. 1826.

3. *Proyecto de Constitucion para la República de Bolivia y Discurso del Libertador.* Guayaquil. 1826.

4. *Ojeada al Proyecto de Constitucion que el Libertador ha presentado á la República Bolivar.* Por A. L. G. [Antonio Leocadio Guzman.] Lima. 1826.

5. *Exposicion de los Sentimientos de los Funcionarios Públicos, asi Nacionales como Departamentales y Municipales, y demas Habitantes de la Ciudad de Bogotá, hecha para ser presentada al Libertador Presidente de la República.* Bogotá. 1826. Reimpresa en Nueva York, 1827.

THE period, at which we resume the history of Bolivar's life, was the darkest and most disastrous in the annals of the revolution.* New Granada had fallen a victim to the same hostile power which desolated Venezuela; and the patriots of Bogotá suffered the more severely from the vengeance of the Spaniards, because they came in a concentrated body of transatlantic troops, and were led by a chief as merciless in the domestic persecution of the insurgents, as he was terrible in the field of battle. But while Morillo was glutting his cruelty with the blood of the best men of New Granada,—men who, had they escaped the bitter trials of that hour, might have been the means of preserving Colombia from the catastrophe which now threatens her liberties; whilst he and his coadjutor Henrile were cutting off the prominent patriots by a systematic scheme of judicial murders, and crushing the spirits of the people with every engine of misrule which ingenious tyranny could invent; the unconquerable Bolivar, whose ardor no misfortunes quenched, and his persevering associates in arms, were preparing a day of dreadful retribution for the oppressors of their country. These very oppressions, in fact, were the primary cause of the signal overthrow

* For an account of Bolivar's early life and career, see the number of this Journal for January, 1829, p. 203.

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of the Spaniards, which so speedily followed upon their complete triumph; for Morillo's injudicious cruelties produced a reaction in the minds of the people, who, maddened by despair, and stimulated by an eager desire to avenge the calamities they had suffered by a system of wanton persecution, stood ready to second any effort made for their deliverance from the yoke of the conqueror. Bolivar availed himself of the operation of this spirit to strike a decisive blow for his country.

Armed opposition to the Spaniards reappeared first in the plains of Cumaná, Barcelona, and the Apure. After the dispersion of the patriot soldiers in 1814, they gathered into small bands of *guerillas*, dispersed in isolated parties over an extensive region, so completely separated from each other, that for months together several of them continued ignorant that any but their own little troop were in arms against the Spaniards. In this partisan warfare, Monagas, Piar, Roxas, and Zaraza, among others, were particularly distinguished. Morillo soon became aware of the formidable character which such bodies, under such leaders, and in such a country, could assume. They unceasingly harassed, and frequently defeated, detachments of the Spanish troops; and by the suddenness of their incursions, and the celerity of their movements, justly acquired the appellation of the Tartars of America. Trained in this partisan warfare, they served as a nucleus, around which future armies might be formed, keeping alive the sacred flame of liberty, in despite of all the efforts of their invaders to extinguish it. At length, Arismendi raised again the standard of independence in the island of Margarita, and, by maintaining himself there, enabled Bolivar and other Venezuelan exiles to land supplies and renew the war. Pétion had received him in Hayti with the kindest hospitality, and furnished him with two battalions of black troops, with which to commence operations. Assembling the emigrants from Venezuela and other exiles from the Main, with a small fleet under the command of Brion, a patriot of Carthagena, he sailed from Aux Cayes in March, 1816, and landing at Margarita in May, compelled the Spaniards to shut themselves up in the fortress of Pampatar. Causing himself to be proclaimed supreme chief of the republic, he sailed for Carupano, a place near Cumaná, beat a detachment of royalists, and opened a communication with the patriot chieftains in the Llanos. Having thus augmented his force to a thousand men, by effecting a junction with some of the gueril-

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las, he landed at Ocumare, between La Guayra and Puerto Cabello, and issued a proclamation calling the slaves on the plantations to his standard, and inviting the planters to enfranchise them for the purpose. This measure was not well received by the inhabitants; and Bolivar, who had counted upon their support, being attacked to disadvantage by Morales, and defeated by the loss of his bravest officers, was compelled to reëmbark and return to Aux Cayes.

Nowise disheartened by this misfortune, Bolivar collected fresh reinforcements, and again disembarked at Margarita in December, 1816, where he issued a proclamation summoning a general Congress of Venezuela; and then proceeded to Barcelona, which was in the hands of the patriots, and organized a provisional government, with the eminent patriot, Don Francisco Antonio Zea, as president of the council of state and intendant-general of the army. Bolivar had now made sure his foothold on the continent, and was prepared to recommence the war in earnest. Without entering minutely into the multitude of engagements which ensued, we merely indicate the general plan of operations, which led to such great results, and the more decisive and remarkable incidents which signalized the desperate struggle. In the beginning of 1817, Bolivar received reinforcements from the interior of Cumaná, and fixed upon the banks of the Orinoco as the immediate theatre of his efforts. Morillo had been justly alarmed by the first tidings of his early successes, and despatched a large force from New Granada to meet him; and was now in full march from Bogotá himself, with additional troops, to assume the direction of the war in person. He was encountered and severely handled, in his progress through the Llanos, by Paez, who, at the head of his hardy horsemen, was fighting his way to eminence. Meanwhile a division of the Spanish army under La Torre, having been defeated by general Piar, no obstruction remained to interfere with Bolivar's designs upon Angostura, which surrendered to the patriots, July 3, 1817; and Paez being equally successful in Apure, they now held possession of the whole extent of the plains from Guyana to Caracas. At Angostura, then, Bolivar established the seat of government for the time being, and spent the residue of the year 1817 in active exertions to organize a force to act against Morillo. An abundant supply of arms, received from England, was distributed in the interior, and placed the patriot corps in a condition to take the field in the shape of an army.

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Bolivar formed a junction with Paez in January, 1818, and by a rapid movement arrived at Calabozo before Morillo knew that he had quitted Angostura, and after a series of skirmishes obliged the latter to retreat to Valencia, leaving him in possession of the valleys of Aragua. Subsequently to this, Morillo, having assembled the garrisons of La Guayra, Puerto Cabello, and Caracas, attacked Bolivar in his turn. Various indecisive engagements ensued, from time to time, each party being in turn defeated by the other. In one of these conflicts, Morillo was dangerously wounded, and was obliged for a time to quit the army. In another, at Cojedos, that was almost equally disastrous to both parties, the cavalry of Paez was so completely cut up, that he was compelled to retire to the Apure to remount it. In these reiterated engagements, Bolivar, Paez, and Cedeño, on the part of the patriots, and Morillo, Morales, La Torre, and Calzada, among the Spaniards, conducted the war with the determined bravery of men who felt, that the struggle now begun was a final one. At the close of the campaign, the Spaniards held Aragua, and the patriots San Fernando, the latter maintaining their ground in the Llanos and Guayana, while the former continued masters of all New Granada, and the most cultivated province of Venezuela.

Pursuant to the summons of Bolivar, as supreme chief, the second Congress of Venezuela assembled at Angostura, February 15, 1819, and elected Don Francisco Antonio Zea president. On this occasion Bolivar resigned all his authority, civil and military, into the hands of the Congress, and was unanimously reinstated as president of the state. This step was taken by him, not, as many have supposed, from any false modesty, or reluctance to continue in command; but because the authority which he had exercised hitherto, although acknowledged on all hands, from the necessity of the case, was not derived from any regular source; and it was desirable, that his government should possess a legal sanction, which it received from the unanimous vote of the Congress. The speech that he delivered at the installation of this body, is too remarkable, especially in connexion with recent events, to pass unnoticed. It is a long and elaborate exposition of his political principles, accompanied by a plan of government for the republic of Venezuela, and is entitled to careful consideration, as throwing light upon the character of Bolivar, and upon the

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opinions which he promulgated, at a later period, in giving a fundamental code to the Bolivians. The doctrine which pervades the whole piece, the position which meets the eye in every page, and which all its arguments and illustrations aim to establish, is the dangerous nature of *liberty*. It cannot be said, that Bolivar has attempted to deceive his countrymen by holding up the idea that he is purely republican in his principles. The anti-republican tenets, which he professes in this address, are not merely confined to the particular case of the incompetency of *the people of Venezuela* to enjoy the blessings of liberty in their full extent. If they were limited in that manner, we might in part admit their justness, although not to the extent for which he contends. But he frankly declares his belief, that, as a general proposition in political science, an aristocracy is preferable to a free republic, and an absolute sovereignty to either. It is not Washington, whose example he cites for the imitation of South America; but men who, in the same situation with the Father of his Country, availed themselves of circumstances to oppress the liberties of their fellow-citizens. Lest our readers should suppose, that we misrepresent the spirit of this singular piece, we take leave to extract a few of its characteristic passages.

After painting, in vivid colors, the tyranny of the Spanish government in relation to the colonies; the consequent debasement of the people, and their total ignorance, as he expresses it, of every principle of political and civil economy; he infers their incapacity for a purely republican government, and particularly for a constitution modelled after that of the United States. Even in this introductory part of the address, where they are less called for, he throws out continually general reflections inimical to freedom, such as that 'It is more difficult to maintain the equilibrium of liberty, than to sustain the weight of tyranny;' that 'The people, more frequently than the government bring on tyranny;' that 'Liberty is a succulent food, but difficult of digestion.' Reasoning of this nature paves the way for stating what he conceives to be indispensable to the welfare of a free people, and that is, an hereditary legislature and a powerful executive. The legislature, to be sure, shall be called senators, not peers; and the executive shall be called a president, not king or emperor; but in other respects it is impossible to see what should entitle his proposed government to be denominated a republic. His exemplar is

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the constitution of Great Britain; of which he says; 'A greater degree of liberty cannot be enjoyed in any kind of republic, and *it may indeed claim a higher rank in social order.* I recommend that constitution as the best model to those who aspire to the enjoyment of the rights of man.' In the course of other general remarks, he says; 'Athens enjoyed the most splendid lot under an absolute sovereignty; free elections of magistrates frequently renewed,—mild, wise, and politic laws. Pisistratus, an usurper and a despot, did more good to Athens than her laws; and Pericles, although an usurper likewise, was the most useful citizen. The republic of Thebes existed only during the lives of Pelopidas and Epaminondas; for it is men, and not principles, that form governments.' Not only does he labor with great industry to show the utility of 'a legislative power similar to that of the British Parliament,' but he says, 'However exorbitant the authority of the executive power in Great Britain may appear, it would not perhaps be too great in the republic of Venezuela.' Nay he insists upon bestowing far greater authority upon the chief magistrate of the republic, than that possessed by a constitutional prince. In short, the whole scope of the address is to maintain the utter incompetency of the human race to subsist under a pure representative government, advancing, in so many words, the opinion, that 'Angels, and not men, can alone exist free, peaceable, and happy, in the exercise of sovereign power;'—a strange maxim, surely, for a professed friend of republican institutions.

We enter into this topic thus fully, not by way of seeking occasion to censure Bolivar for entertaining opinions, which he thus openly expressed, under circumstances that persuade us to believe he was honest and sincere in his principles, however much mistaken; but in order to show what those principles have been from the beginning; and how small occasion there is to feel surprise at his professing or acting upon them at the present time. It is impossible, however, to pass them by without lamenting the melancholy picture they present of the prospects of liberty in South America, when an individual, whose influence is so paramount as Bolivar's, is found to be thus warmly attached to monarchical institutions. For the rest, we take occasion to say, that, viewed as a political disquisition upon the question which it discusses, the address does no great credit to his talent as a writer, or his wisdom as a politician. Most of the well educated young men, who are bred to liberal

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professions in the United States, could easily compose a better argument on the same side of the question, and still more easily produce a triumphant refutation of it. And it occurs to us as somewhat singular, that so little notice has been taken of this piece by the republicans of South America, in their speculations concerning Bolivar's ideas of government.

Dismissing this subject, we return to the progress of the war, as prosecuted in the eventful year of 1819. The Venezuelan forces were, at the opening of the campaign, concentrated on the banks of the Apure. It was the design of Morillo, if possible, to cut his way to Angostura, and deprive the patriots of the centre of their resources. To this end, having united his forces with those of La Torre, Morales, and Calzada, he crossed the Apure in January, with an army too powerful to be resisted in the field. It was successfully met, however, in another way, by general Paez and his brave *llaneros*, who destroyed Morillo's foraging parties, deprived him of all means of subsistence, and compelled him, by a desultory system of warfare, to abandon his object, and retreat with immense loss to San Carlos. From May until August, the vast plains of the Apure and Casanare are rendered almost impassable by inundations. Knowing that Morillo would not dream of his penetrating through these plains into New Granada, and believing that Paez on the Apure, and generals Mariño, Arismendi, and Bermudez on the coast, would afford ample occupation for the Spaniards in Venezuela, Bolivar, with characteristic boldness, determined to effect a junction with Santander, who was in arms in Casanare, and laying the foundation of that brilliant reputation which he now enjoys. Bolivar encountered incredible difficulties in this march, first in crossing the inundated plains, and afterwards in climbing the mountains; but ere the close of June he had surmounted every obstacle and established his head quarters at Paya. He found everything in New Granada propitious for his enterprise. The talents and intrepidity of Santander had already effected wonders. A multitude of guerilla parties in the interior impatiently awaited Bolivar's approach. Meanwhile the viceroy Samano, hastily collected all the forces at his disposal, and appointed Don José Maria Barreyro, an officer of tried courage and ability, commander in chief. The armies met at Gamarra on the eleventh of July, and at Bargas near Tunja on the twenty-fifth, and each time Bolivar obtained the advantage. After

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this, numerous recruits flocked to his standard; and learning that Samano was on the march to support Barreyro, he threw himself between them, and, on the seventh of August, by this daring and masterly movement, compelled Barreyro to give battle at the bridge of Bojaca, the scene of one of Bolivar's most splendid victories. All the Spanish troops that survived the battle were made prisoners, with the commanding general; and the deliverance of Santa Fe and all New Granada was the immediate consequence of the glorious day. Bolivar appointed general Santander vice-president of New Granada, in reward of his meritorious services, while generals Anzuategui, Soublette, and others, pursued the scattered remnants of the royalists yet remaining in some of the provinces. Morillo despatched general La Torre into New Granada, by the way of Merida, upon receiving intelligence of Bolivar's march; but ere La Torre could reach Cúcuta, the decisive battle was fought, and New Granada once more was free.

Bolivar's entry into Angostura, after this campaign, was among the most triumphant scenes of his life. He wisely employed the authority and influence he possessed in procuring the union of Venezuela and New Granada, and the formation of the republic of Colombia. The decree to this effect, entitled the fundamental law of the republic of Colombia, was passed December 17, 1819, by the Congress of Venezuela, to which the people of New Granada voluntarily submitted. At the same time it conferred upon Bolivar the title of *Liberator* of Colombia, by which he is now universally known, and decided, that a general constituent Congress should assemble at Rosario de Cúcuta, in January, 1821, to frame a constitution for the new republic.

In consequence of the successful operations of the last year, Bolivar was enabled to take the field in 1820, with the most powerful army which the patriots had ever mustered; and hopes began to be entertained, that the conclusion of a peace might be facilitated by the Spanish revolution of Isla de Leon. Negotiations having a view to this end were in fact commenced, and proceeded so far as to occasion a mutual relaxation of effort, and the conclusion of an armistice of six months, dating from November, 1820. On occasion of this armistice, Morillo and Bolivar had a friendly meeting at Truxillo. Each testified the highest respect for the character of the other, spending the day in common festivity; and, as

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evincing the confidence they reciprocally reposed in each other's honor, it is stated that they passed the night in the same room. Nothing effectual grew out of these circumstances. Morillo departed for Europe in 1821, leaving the command of the army to general La Torre, an officer fully competent to the task. At the termination of the period fixed for the armistice, Bolivar again took the field with a powerful army, and a determination to pursue measures to bring on a decisive engagement. He divided his army into three corps, under generals Paez, Cedeño, and Anzuategui. These divisions advanced by separate routes to the plains of Tinaquillo, and prepared to attack the Spaniards, who occupied a strong position at Carabobo. The heights, commanding the only pass by which their position could be approached, were crowned with artillery, and in their advance, the patriot army had to penetrate through a narrow, precipitous defile in the mountains. The leading division, commanded by Paez, without waiting for the other division to come up, advanced impetuously, defiled before the enemy, rushed to the assault, carried the intrenchments, and achieved a complete victory, June 24, 1821. The independence of Venezuela was the happy consequence of the battle of Carabobo. Bolivar immediately entered Caracas and La Guayra in triumph; and although Puerto Cabello, and a few other fortresses on the coast, held out awhile, the Spaniards never again made head against the patriots in Venezuela.

During the progress of these advantages in the field, the general Congress had assembled at Cúcuta, and agreed upon a form of constitution, that was proclaimed, August 30, 1821, as the fundamental law of Colombia. When it went into operation, Bolivar was elected President, and Santander, who, in the government of New Granada, had acquired great credit for his civil capacity, was elected Vice-President. In October the seat of government was transferred to Bogotá, as being central in its position, and uniting other advantages of climate, resources, and social comforts, with convenient buildings for the use of the government and of the public functionaries. These arrangements being completed, Bolivar devolved the duties of the executive upon general Santander, in order to devote himself to the prosecution of the war in the presidency of Quito, where the Spaniards had concentrated their forces subsequently to the fatal rout of Bojaca. Having collected the requisite forces, the Liberator marched to the

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south, and directed his efforts against the province of Pasto. This region is almost impregnably fortified by nature; and its hardy inhabitants are celebrated for their bravery, but not less for the obstinacy with which they cling to preconceived opinions. The *Pastusos* continued to adhere, voluntarily and perseveringly, to the old *régime*, when all the rest of Colombia had abandoned it. Bolivar's troops suffered severely in attempting to reduce this district, while general Sucre was liberating the provinces of Loja and Cuenca. Meantime Sucre, an officer who first became distinguished under Piar, and afterwards attained high reputation in the staff of Bolivar's army, gained the great battle of Pichincha, May 24, 1822, and completed the liberation of Quito; a victory so important as to fix the public attention upon the commanding general, and create those anticipations of his future eminence, which the sequel so amply justified. Bolivar, having sufficiently repressed the *Pastusos* to remove all apprehensions from that quarter, entered Quito, June 16, 1822, and proceeded to Guayaquil, which claimed to be an independent state, but which, contrary, it is alleged, to the wishes of the inhabitants, he incorporated into the republic of Colombia.

Animated by the brilliant result of this campaign, which had completed the overthrow of the Spanish power in the southern provinces of Colombia, and left nothing to fear in that republic from the common enemy, Bolivar now began to turn his thoughts toward the neighboring government of Peru, torn by conflicting factions, and still the seat of obstinate warfare. A division of the Colombian army of two thousand men, unoccupied at home, was despatched to Callao, and public expectation looked to the Liberator of Venezuela and New Granada to perform the like service for Peru. In fact, soon after Bolivar's arrival in the south, the Protector, San Martin, repaired thither for the purpose of having an interview with his brother in arms. They met at Guayaquil, July 26, 1822. The particulars of the interview have not transpired, or at least have not come within our knowledge; but General Miller intimates, that it was not wholly satisfactory to San Martin, who left Guayaquil in forty-eight hours after his arrival. One of its consequences, however, was the sending the auxiliary force of two thousand Colombians, under general Juan Paz del Castillo, to Lima. This happened previous to San Martin's resignation of the protectorate; and the *junta gubernativa* which succeeded,

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disagreeing with general Castillo respecting the conditions on which his division should serve, caused them to be transported back again into Guayaquil without calling them into the field. In order, therefore, to have a right understanding of the nature of the services rendered by Bolivar to Peru, and of the occasion which called for them, it is necessary to explain the situation of affairs in that country at this period.

San Martin, having achieved the independence of Chile, by the successive victories of Chacabuco in 1807, and of Maypu in 1818, was induced, by a conviction that no part of America, bordering on the Pacific ocean, could be secure of its liberty so long as the Spaniards retained possession of Lima, to organize an expedition in Chile for the invasion of Peru. After various military operations, he gained possession of Lima, July 9, 1821; and although La Serna, the viceroy, still maintained his ground in the interior, the independence of the country was proclaimed with great pomp on the twenty-eighth, and on the third of August San Martin assumed the title of Protector of Peru, with supreme authority in civil and military affairs. Still the war continued. The battle of Peruvian independence was not yet fought. The republic possessed only a nominal freedom, and met with no small difficulty in defending the name of independence. San Martin continued to administer the government, and to prosecute the war, until September 20, 1822, when the Congress assembled, and he resigned his authority, and bade farewell to Peru.

The control of public affairs now passed into the hands of a *junta gubernativa*, with general La Mar for president, which, by reason of their apathy and indecision, gave so little satisfaction to the chiefs and officers of the army, that they insisted upon its dissolution, recommending to the Congress to elect Colonel José de la Riva-Aguero, President of the republic. Whatever reluctance the Congress may have felt in adopting this suggestion, a recommendation, so backed, was not to be slighted; and accordingly on the twenty-seventh of February, 1823, Riva-Aguero became President. This revolution was mainly effected by General Santa Cruz, the particular friend of Riva-Aguero. The new government displayed great activity in making preparations for the approaching campaign. Santa Cruz, with the main body of the Peruvians, undertook an expedition to the southern provinces, thinking to strike a blow where it was least anticipated, and thus to strike the more

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surely. For a while his success answered his expectations, and he advanced in triumph as far as La Paz, with the most flattering prospects of final good fortune. Riva-Aguero, meantime, conscious of the inadequacy of his own forces to bring the contest to a speedy conclusion, and feeling how injudicious it was in the junta to send home the auxiliary Colombian division under general Castillo, earnestly solicited Bolivar to supply an auxiliary army of sufficient strength to secure the immediate independence of Peru. As an earnest of more effectual succor, three thousand troops immediately embarked at Guayaquil, and Sucre, now rapidly rising to eminence, repaired to Lima as diplomatic agent of Colombia; a convention for the supply of the auxiliaries on the part of Colombia, and their support by Peru, having been concluded at Guayaquil, March 18, 1823, in a manner satisfactory to both parties. Unfortunately, the departure of Santa Cruz left Lima undefended, and the royalist general, Canterac, took advantage of the circumstance to march upon the capital, which he entered June 18, 1823, and thus threw the affairs of the patriots into most pitiable confusion. Sucre was appointed commander in chief of the forces, consisting chiefly of the Colombian troops, which he posted for security under the protection of the batteries of Callao, whither Riva-Aguero and the members of the Congress also retired. The Congress forthwith appointed Sucre supreme military chief, and divesting Riva-Aguero of his authority, compelled him to withdraw to Truxillo. Sucre being thus left in undisturbed command, resolved to despatch an expedition to the south, to coöperate with Santa Cruz; and in order to place himself at its head, caused the Marquess of Torre Tagle to be chosen President. The capital was now in the hands of the patriots once more, Canterac, on finding he could not reduce the castles of Callao, having evacuated Lima, July 17, 1823, and marched for Huancavelica unmolested. But intelligence soon arrived of the total destruction of the army under Santa Cruz in Upper Peru; and that party dissensions might come in aid of other public disasters, Riva-Aguero no sooner reached Truxillo, than he reassembled a portion of the members of the Congress who had followed him from Callao, called in question the validity of his deposition, and raised and equipped a body of three thousand recruits to maintain the war and his own pretensions. Peru was fast relapsing to the last degree of distraction and political abasement. At this pressing emergen-

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cy it was, that Bolivar opportunely threw himself, his talents, fame, and influence, and all the disposable military resources under his command, into the cause of Peruvian independence, having obtained permission from the Congress of Colombia to quit the territory of the republic for that purpose, and leaving Santander to administer the executive authority in his stead.

Bolivar made his public entry into Lima, September 1, 1823. He was received with the strongest marks of enthusiasm, and invested with the authority of Dictator, which was needful enough, it must be admitted, in a country governed already by two Presidents, each at the head of a hostile army. In November, 1823, he marched to Pativilca, where he took a strong position, and devoted himself unceasingly to the task of organizing an army of adequate force to enable him to undertake offensive operations. Riva-Aguero being arrested by Colonel La Fuente, one of his own officers, and compelled to embark for Europe, everything might have proceeded prosperously but for the revolt of the garrison of Callao, which, owing to the folly of the Congress in withholding their arrears of pay, mutinied in February, 1823, and surrendered up the castles to the command of the royalist general Monet. This event was soon followed by the defection of Torre Tagle, San Donas, Portocarrero, and some others, fickle and interested men, who, despairing perhaps of the patriot cause, passed over to the Spaniards. Their loss was an eventual gain. The republican party was now thoroughly weeded of its lukewarm and doubtful adherents. Bolivar, invested with unlimited authority, freed from all apprehensions of insincerity in those about him, and supported by six thousand veteran Colombian troops of tried courage and unshaken fidelity, was enabled to exert all the powers of a military dictatorship with a degree of revolutionary energy demanded by the character of the times. But indications are not wanting, that many discerning persons in Peru were jealous of the intentions of Bolivar, and of the views of Colombia. It is probable they did not fear so much the personal ambition of Bolivar, as the disposition to territorial aggrandisement, which all the South American republics have more or less displayed. In reference to these fears, he made the celebrated declaration, contained in a proclamation, dated Truxillo, March 11, 1824, so often referred to in Peru; 'Your chiefs, your internal enemies, have calumniated Colombia, her brave men, and myself, saying, that we

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aim to usurp your rights, your territory, and your independence. I declare to you, in the name of Colombia, and by the sacred liberating army, that my authority shall not extend beyond the period necessary to prepare you for victory; that on the departure of the army from the provinces which it now occupies, you shall be governed constitutionally by your own laws and your own magistrates. Peruvians, the field of battle shall attest the valor of our soldiers and the triumph of your liberty; the same fortunate field shall see me throw down the palm of the dictatorship, and from thence will I return to Colombia with my brothers in arms, *without taking away a grain of sand from Peru*, and leaving to you liberty.' We may presume that Bolivar sincerely felt what he expressed at this time; since views of ambition, like the occasions which foster it, gradually arise out of the progress of circumstances. But the suspicions of a few did not retard his military arrangements; on the contrary, the charm, the *prestige*, which enveloped his name like a glory, enabled him to urge forward the preparations for that splendid campaign of 1824, which finally established the independence of South America.

At the commencement of the campaign, the royalist army consisted of nine thousand men under Canterac, in the valley of Xauxa, and five thousand under Valdez in Upper Peru. Olañeta also, in Upper Peru, commanded another body of five thousand men, but had withdrawn his obedience from the viceroy La Serna, on the ground that the latter was a constitutionalist. The liberating army was concentrated at Huaras, preparatory to crossing the Andes, and compelling the enemy to a decisive battle. It consisted of about ten thousand men, forming three divisions of infantry and one of cavalry, commanded by generals Lara, Cordova, La Mar, and Necochea, with General Sucre as chief of the staff. Everything being done, which the military skill of the best generals in South America could devise, to facilitate the passage of the army to Pasco, and, when arrived there, to carry on the war in earnest, Bolivar reviewed his forces, August 2, 1824, on the elevated table land between Rancas and Pasco, in the midst of the towering peaks of the Andes, and on the margin of the lake of Reyes, the principal source of the Amazon. It is impossible for language to do justice to the enthusiastic excitement felt by the troops on this occasion. The scene, presenting one of the most magnificent prospects in the world,—the moment, when

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a noble army was about to take the field to complete the political deliverance of a continent,—the troops themselves, assembled from the extreme parts of South America for this lofty enterprise,—and their leader, the conqueror in a hundred combats, who had borne the standard of liberty in triumph from Caracas to Guayaquil,—all conspired to constitute such a conjuncture, as happens but once in an age, and serves to form a fresh starting-point for the memory of successive generations. In surmounting the terrible defiles of the Cordilleras, the troops had sufficiently evinced their own spirit of determination. Confident of their courage and zeal, the Liberator caused an energetic address to be read to each corps of the army at the same moment, adapted to their peculiar circumstances, and conceived in that felicity of manner, which, combined with a certain orientalism of expression, distinguishes his occasional productions. However vicious in taste it may appear, when read in the closet, and by persons of less ardent temperament, it was exactly suited to the men and the season, and was received with cheers of enthusiasm by the assembled host.

Only three days elapsed before the liberating army had an opportunity of manifesting its courage. On the sixth of August, on ascending a height, they suddenly obtained a view of the hostile columns, marching along as it were beneath them, a few miles off, on the plains of Junin. Anxious lest the royalists should escape, the patriot cavalry dashed forward, and encountered the cavalry of Canterac, whose army was in full retreat. It was exclusively a cavalry action, fought with lance and sabre, not a shot being fired on either side. The impetuosity and superior discipline of the patriots proved irresistible; and after a short engagement the Spaniards were put to flight, and hotly pursued to the very bayonets of their infantry. Canterac hastily continued his retreat, followed up by Bolivar, who entered Guamanga on the twenty-fourth of August, and in September advanced as far as Abancay. As the rainy season would soon commence, and Bolivar did not suppose the enemy would immediately resume the offensive, he quitted the army in October, and repaired to Lima, to attend to affairs there, leaving Sucre to exercise the chief command in his absence. Contrary to expectation, however, La Serna now concentrated his forces, and advanced in his turn upon the patriots, with a design to cut off their communications with Lima,

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and then destroy them by safe and bloodless means. But the impatience of his troops, weary of endless marches and countermarches among the horrid passes of the mountains, compelled him to relinquish his plan, and to give the patriots, what they ardently longed to obtain, an opportunity of concluding the conquest by an appeal to the sword. The battle of Ayacucho, December 9, 1824, pronounced by competent judges the most brilliant ever fought in South America, and certainly the most fatal to Spain, was the consequence, and decided the destinies of Peru for ever. La Serna being wounded and made prisoner, Canterac capitulated, the same day, for himself and all the Spanish forces in Peru; and nothing more would have remained for the liberating army to do, had not Olañeta in Upper Peru, and Rodil in the castles of Callao, refused to abide by the capitulation.

Bolivar was at this time residing at Chancay, in the vicinity of Lima, and of course did not participate in the toils of the glorious day of Ayacucho. The immediate honor of the victory, therefore, belongs to Sucre and his associates in command. Sucre lost no time in following up his advantage, and rapidly advanced upon Cuzco, and thence to Chuquisaca, the capital of Upper Peru, in pursuit of Olañeta. But this general having been mortally wounded in an affray with some of his own troops, Callao alone continued in the hands of the royalists. Bolivar immediately assembled adequate forces, and closely invested Callao, by sea and land; but found in Rodil a soldier as persevering and resolute as himself. The Liberator personally superintended the siege for several months, and pressed it with untiring energy; but finding Rodil to be well supplied with stores and resolved to hold out to the last extremity, he finally committed the command of the land forces to General Salom, to whom Rodil surrendered upon honorable terms, January 19, 1826, after maintaining the castles, with heroic constancy, for the space of thirteen months, in spite of every conceivable difficulty. This event terminated the war, and left the liberating army in peaceful possession of the whole of Peru. Whatever else remains to relate of the proceedings of Bolivar in Peru, is of a political nature altogether, and opens new views of his character, and introduces a new chapter in the history of his life.

Bolivar reassembled the deputies of the Congress of Lower Peru, February 10, 1825, and in his message to that body re-

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signed the dictatorship, adding, 'I felicitate Peru on her being delivered from whatever is most dreadful on earth; from war by the victory of Ayacucho, and from despotism by my resignation. Proscribe for ever, I entreat you, this tremendous authority, which was the sepulchre of Rome.' On the same occasion he also said; 'My continuance in this republic is an absurd and monstrous phenomenon; it is the opprobrium of Peru;' with other expressions equally strong; while at the same time, at the pressing solicitation of the Congress, he consented, notwithstanding his many declarations of reluctance, to remain at the head of the republic. Nothing could exceed the blind submissiveness of this Congress to Bolivar. After investing him with dictatorial authority for another year, they voted him a grant of a million of dollars, which he twice refused, with a disinterestedness that does him the greatest honor. To accept of treasure, as a recompense for his exertions in achieving their independence, he said, would be unworthy of the spirit in which he had consecrated himself to the cause. Liberality of feeling, and entire freedom from rapacity of spirit, must be admitted as prominent traits in his character. After continuing in session about a month, the Congress came to a resolution, that, as they had granted absolute and unconditional power to Bolivar, in regard to all subjects, whether legislative or executive, it was unnecessary, and incompatible with his authority, that they should continue to exercise their functions; and they accordingly separated.

Bolivar, being left without check or control in the government, after issuing a decree for installing a new Congress at Lima the ensuing year, departed from Lima in April, for the purpose of visiting the interior provinces of Upper and Lower Peru. He commenced his journey April 10, 1825, and proceeded through Arequipa, Cuzco, La Paz, and Potosí, to Chuquisaca, and remained in Upper Peru, until the close of the year. The whole tour, according to Miller, was one continued *ovation*. On his approach to the various capitals of departments, the public authorities, accompanied by a great part of the population, went out to meet him, and received him with every species of pomp and rejoicings, which the ingenuity of enthusiasm and gratitude could desire. Circumstances attended his reception at Potosí in October, of a nature peculiarly grateful to his feelings. Bull-fights, dinners, balls, illuminations, fire-works, and all the ordinary signs of public

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festivity, continued during the whole time he remained in this city, as in other places on his route; in addition to which, a few days after his entrance, a deputation, consisting of Don Carlos Alvear and Dr Dias Velez, arrived from Buenos Ayres to congratulate the Liberator upon his successes, in the name of the provinces of the Rio de la Plata. On the twenty-sixth he ascended the far-famed Cerro of Potosí, accompanied by General Sucre, and all the persons of distinction in the city, and partook of a collation given upon the summit of the Cerro. On this occasion it was, that he observed, preparatory to giving a toast, that 'The immense riches, buried in the Andes, then beneath his feet, vanished into nothing, when compared with the glory of having borne the standard of liberty from the sultry margin of the Orinoco, to fix it upon the frigid peak of that mountain, whose riches had been the astonishment and envy of the world.' There is reason to believe, that the flattering reception, with which he was greeted on this tour, largely contributed to foster those views of ambition respecting Peru, which he betrayed in the sequel. Certain it is, at least, that the extravagant gratitude of the inhabitants of Peru, gave him occasion to assume the task of a legislator, and thus to bring his political principles more directly before the world.

When the victory of Ayacucho left the provinces of Upper Peru free to act, the great question presented to their consideration was, whether Upper Peru should be united to Lower Peru, or reannexed to Buenos Ayres, or constitute an independent state. Under the auspices of the Liberator and of Sucre, a general assembly was convened at Chuquisaco in August, 1825, which declared the will of the people to be, that Upper Peru should become a separate republic, and decreed, that it should be called Bolivia in honor of the Liberator. Here their functions should properly have ceased, with the fulfilment of the object for which they met. Regardless, however, of the limited extent of their powers, they proceeded to exercise the authority of a general Congress. They conferred the supreme executive powers on Bolivar, so long as he should reside within the territory of the republic. Sucre was made captain-general of the army, with the title of Grand Marshal of Ayacucho, and his name was bestowed upon the capital. Medals, statues, and pictures were bountifully and profusely decreed, in honor of both Sucre and Bolivar. To the latter was voted a million of dollars, as an acknowledgment of his pre-

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eminent services to the country. With the same characteristic magnanimity, which he displayed on a like occasion in Lower Peru, he refused to accept the grant for his own benefit, but desired, that it might be appropriated to purchasing the emancipation of about a thousand negroes held in servitude in Bolivia. Finally, they solicited Bolivar to prepare for the new republic a fundamental code, that should perpetuate his political principles in the very frame and constitution of the state. Captivated by the idea of creating a nation, from its very foundation, Bolivar consented to undertake the task, if, indeed, which has been confidently asserted to be the case, he did not himself procure the request to be made.

The Liberator left Chuquisaca in January, 1826, and returned to Lima, to assist at the installation of the Congress summoned to meet there in February. He transmitted the form of a constitution for Bolivia from Lima, accompanied with an address, bearing date May 25, 1826. Of this extraordinary instrument, we feel at a loss to decide in what terms to speak. Bolivar has again and again declared, that it contains his confession of political faith. He gave all the powers of his mind to its preparation; he proclaimed it as the well-weighed result of his anxious meditations. Whatever his political views may have been, whether honest and true to his own country, and to others which reposed such boundless confidence in his integrity, or the reverse,—in either case, he must have been equally solicitous, that the code should be creditable to his understanding, and a plausible, if not a perfect instrument. If in good faith he labored to consult the welfare of the Bolivians, in preparing for them a constitution, then certainly he would spare no exertion to render it in the last degree perfect. If he wrote and sent it abroad merely as part of a machinery by the help of which to attain and preserve usurped authority, then also it would be his object to give it the show of good sense, if it did not possess the substance; for why should he embark his plans of ambition in a venture so sure to make shipwreck of all his hopes? We profess that these considerations embarrass our judgment; because, in our apprehension, the most remarkable quality in this code is its unqualified, supreme absurdity.

This constitution proposes a consolidated or central, not a federal, form of government; and thus far it is unobjectionable. Every ten citizens are to name an elector, whose tenure of

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office is four years. The legislative power is to be vested in three branches, called tribunes, senators, and censors. Tribunes are to be elected for four years, senators for eight, and censors for life. So complicated is the arrangement proposed for the enactment of laws by means of this novel legislature, and so arbitrary and unnatural the distribution of powers among the several branches, that it would be impracticable for any people, having just notions of legislative proceedings, to conduct public business in the projected mode; and much more impracticable for men, like the South Americans, not at all familiar with the business of orderly legislation. But the most odious feature in the constitution relates to the nature and appointment of the executive authority. It is placed in the hands of a president, elected in the first instance by the legislative body, holding his office for life, without responsibility for the acts of his administration, and having the appointment of his successor. The whole patronage of the state, every appointment of any importance, from the vice-president and secretaries of state down to the officers of the revenue, belongs to him; in him is placed the absolute control of all the military force of the nation, it being at the same time specially provided, that a permanent armed force shall be constantly maintained. For the mighty power, the irresistible influence, which this plan imparts to the executive, the only corresponding security, assured to the people, is the inviolability of persons and property.

The constituent Congress of Bolivia assembled at Chuquisaca, May 25, 1826, and passively adopted the proposed constitution to the letter, as if it had been a charter granted by a sovereign prince to his subjects, instead of a plan of government submitted to a deliberative assembly for their consideration. It took effect accordingly, as the constitution of Bolivia, and was sworn to by the people; and General Sucre was elected president for life under it, although one of its provisions expressly required, that the president should be a native of Bolivia.

Emboldened by the complete success of this introductory essay in the character of a maker of constitutions and founder of states, Bolivar now suffered his ulterior objects to meet the public eye. When the time approached for the Peruvian Congress to assemble, several of the deputies arrived in Lima in anticipation of the day. They ventured to express their

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opinion, with some degree of freedom, upon the propriety of withdrawing the Colombian troops from the territory of Peru, the surrender of Callao having removed all pretext for retaining them any longer, unless their presence was required to oppress the country. They referred emphatically to the declaration of Bolivar, that the moment he had achieved the independence of Peru, he would return to Colombia with the liberating army, without taking away so much as a grain of sand. They recollected his despatch to Vice-president Santander, announcing the victory of Ayacucho, and written directly after that event, wherein he says; 'I have fulfilled my mission; and it is now time to comply with my promise, so often made to my country, to continue no longer in a public career, when America shall have been freed of her enemies.' They pondered his own declaration, of the year before, that his continuance in Peru was a monstrous phenomenon, and the opprobrium of the republic. Bolivar was alarmed by these indications of the temper of the Congress. He required the deputies to submit their qualifications *(poderes)* to the supreme court for examination. They contended, that they themselves constituted the only proper tribunal for such a scrutiny. Hereupon Bolivar threatened, that he would abandon Peru to her fate, if the point was not conceded, and the compliant deputies yielded up everything to the will of the Dictator.

Of the seventy deputies assembled, and necessary to constitute a quorum, it was found that eighteen had received full authority to deliberate on public affairs, when the decree convoking them referred only to certain specified subjects. Hence they were declared to be not duly elected. The fifty-two who remained, instead of meeting as a Congress, and taking measures to compel the attendance of the absent members, were at length prevailed upon, by various means of intimidation or persuasion, to subscribe a declaration, setting forth the advantages of a strong arm to maintain the tranquillity of the state and security of private persons and property, the inconveniences of a deliberative assembly, and the folly of maintaining a Congress, when the government was so ably administered by the favorite of fortune, and the chosen of Providence. These weighty reasons induced them to suspend the meeting of the Congress for another year, continuing the authority of Bolivar as Dictator, but recommending to him to consult the provinces as to the form of a constitution for the

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republic, and to procure from them a nomination of a suitable person to be constitutionally invested with the supreme authority.

Bolivar received this act in the most gracious manner. Indeed, it bears evident marks of having been written at the dictation of some of his creatures, and merely presented to the deputies for their signatures. He thereupon issued a kind of decree, deciding that the electoral colleges should be consulted as to the two points designated by the deputies, namely, the form of the constitution and the person of the chief magistrate. The whole course of his policy was now apparent. Unwilling to hazard the proposing of his plans to a constituent Congress, in the usual way, because aware that it must contain men of sufficient discernment to perceive, and independence to resist, his purpose, he preferred to make use of the electoral colleges as instruments to give an outward show of popular sanction to his will. The electoral colleges, being scattered bodies, could the more easily be intimidated into adopting whatever he should dictate. The execution of this purpose was committed to his council of ministers. Circular letters, written in the name of Bolivar and the council, of which General Santa Cruz was at the time president, were transmitted to the several prefects of departments, commanding them to assemble the colleges, and submit to them for ratification the form of a constitution, a copy of which accompanied each circular, and was nothing but the Bolivian Code, so modified in phraseology as to be applicable to Peru. The circular is dated July 1, 1826, and contains a recommendation of the code, which, backed by the authority of the prefects, the irresistible power of the Colombian troops, and the weight of Bolivar's name, could not fail to effect, as we shall see it did, the end desired.

Still it was not accomplished, without some manifestations of power on the part of Bolivar, accompanied by acts of a very questionable tendency. Disturbances broke out in the interior, which afforded a pretext for marching the Peruvian troops out of Callao, and replacing them with Colombians. This measure was alleged to be necessary to maintain the public tranquillity; but in fact there was nothing to interrupt the public tranquillity, but the monstrous expense entailed upon the people by the very fact of the presence of the Colombians, who continued to occupy Peru without any assigned cause, and as if it were a conquered country. Connected with the same circumstances,

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was the extraordinary measure of transporting a body of Peruvian troops to Panamá, seemingly in order to destroy the natural defenders of their country in that noxious region, and cantoning, at the same time, Colombians in various villages in Peru. About the same period, a conspiracy was discovered, or at least alleged, having for its object the assassination of Bolivar and the expulsion of the Colombians. Although many utterly deny its existence, and others maintain that it was the obscure plot of a few subalterns of the army, the strongest measures were adopted to meet the exigency. A special tribunal investigated the affair, and put on trial the accused or the suspected. A Peruvian lieutenant, named Aristizabal, was found guilty and shot. A guerilla chief, named Vinavilca, and several others, who escaped by flight, were condemned to be strangled; and others were condemned to be cashiered and banished. Admiral Guise was tried, but acquitted. Many Buenos-Ayreans and Chilenos of distinction, resident in Peru, were compelled to quit the country, and among them Generals Necochea and Correa, Colonels Estomba and Raulet, and others equally well known for their unquestionable love of liberty. No specific charge existed against these men. But the Liberator was aware they saw through the slight disguise that veiled his plans. While the fantastic speculator, De Pradt, was exalting Bolivar to a rank in the scale of patriotism above the peerless Washington,—while misguided Americans supposed at least, that Washington was his model,—it was not for the memorials from Arlington-House, transmitted to him with such kindly and respectful feelings, that he preserved his veneration; but portraits and busts of Napoleon were the chosen ornaments in his palace of La Magdalena. It was necessary to remove out of the way men too quick-sighted not to see, and too independent to approve, his ambitious views.

These events produced the greatest uneasiness among persons of property, and all others who had anything to lose by a disturbance of the public tranquillity; and their anxiety was augmented by a second announcement of Bolivar's determination to leave Peru. The timorous and the rich, who dreaded the return of the days of anarchy, were prompted by the friends of Bolivar and the advocates of a strong government, to employ all their influence to prevent his departure, from which they foreboded the most disastrous effects. Representations of the members of the municipality, deputations from

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every section of Lima, processions of the people, petitions from all classes, addresses from the army and clergy, supplications from the peasantry of the adjacent villages, and even from the matrons of the capital,—all crowded in quick succession upon the Liberator, and all insisted that he should remain in Peru. He was told that if he would leave the country he must trample on the breasts of the people, of whose lives he had been the preserver; who would form an impenetrable wall to prevent his departure. Overpowered at last, or professing to be overpowered by these demonstrations of gratitude and affection, the Liberator could no longer refuse himself to the claims of the Peruvians, and consented to delay his return to Colombia.

The object of this whole machinery was soon apparent. A tacit compact seemed to have been formed between Bolivar, and the Peruvians who acted in this precious mummery, as to the end of its enactment. It was to create an impression, that he was necessary to the Peruvians, and thus facilitate the adoption of the *Código Boliviano*, that all this fulsome adulation on the part of the people, and all this coquetry on the part of Bolivar, were elaborately displayed; and they produced the desired effect. It was false, hollow-hearted, and fictitious, as the event showed; not a natural expression of sincere feelings, nor a spontaneous exhibition of genuine attachment.

Everything was now arranged for the people to do, and the electors of Lima proceeded, on the very next day, August 16, 1826, to perform their part in the appointed comedy. Various statements are made of the means used to procure the colleges to adopt the proposed code, and Bolivar himself as president for life; all which it is unnecessary to examine, because it is perfectly clear, from everything which relates to the business, that Bolivar and his constitution were forced upon the people by the authority of his own government. Did we not know this from a careful examination of the whole history of the proceedings, we might safely infer it from the circumstance, that, of the fifty-nine electoral colleges, only one, that of the little province of Tarapaca, demurred to the constitution, or to the proposed president. Such perfect unanimity could never result from the self-moving deliberations of a free people, disposing of their own rights according to their own will. The electoral colleges blindly and passively obeyed the commands of their dictator, and of course the Bolivian Code was declared

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to be the fundamental law of Peru, and Bolivar president for life. Three months elapsed, however, before the official returns were all received; and it was not until November 30, 1826, that the new constitution and new president were proclaimed; nor until the ninth of December, the anniversary of the victory of Ayacucho, that the usual oaths of fidelity were administered to the public functionaries. Notwithstanding the evident symptoms of disgust betrayed by the majority of the people, the constitution was peaceably promulgated and sworn to in Lima and the provinces; and on the surface everything told well for the change.

Bolivar, long ere this time, had returned to Colombia, and shifted the scene of his operations. Before entering upon the events which preceded and followed his return, we advert, for a moment, to a project of Bolivar's, which, when originally proposed, was hailed as a splendid design, replete with noble properties, and pregnant with the most admirable consequences. We allude to the Congress of Panamá. The proposition for assembling this body emanated from Bolivar, who, in 1823, as president of Colombia, invited the governments of Mexico, Peru, Chile, and Buenos Ayres, to form a confederacy of the Spanish American states, by means of plenipotentiaries to be convened, in the spirit of classic analogy, in the isthmus of Panamá. To this invitation the governments of Peru and Mexico promptly acceded. Chile and Buenos Ayres neglected or declined to be represented in the assembly, for the reasons which we shall presently state. This magnificent idea of a second Achæan League seized on the imaginations of many speculative and of some practical men in America and Europe, as destined to create a new era in the political history of the world by originating a purer system of public law, and almost realizing Bernardin de Saint Pierre's league of the modern nations. In its original shape, it was professedly a plan of a belligerent nature, having for its main object to combine the revolutionized states against the common enemy. But time was required for carrying it into effect. Meanwhile the project, magnified by the course of events, began to change its complexion. The United States were invited to participate in the Congress, so as to form an American policy, and a rallying point for American interests, in opposition to those of Europe; and after the discussions which are so familiar to all, the government of the United States accepted the invitation, and des-

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patched its representatives to Panamá. Don Bernardo Monteagudo, the notorious minister of San Martin in Peru, wrote a pamphlet, that was published in Lima, in lofty praise of the plan. The prolific Abbé de Pradt produced a still more visionary dissertation upon the subject for the benefit of unenlightened Europe. England, of course, was alive to such a project; and the Netherlands followed the example of Great Britain. In the interval, between the proposal of the plan and its execution, Central America was added to the family of American nations, and agreed to take part in the Congress. At length, after many delays, this modern Amphictyonic Council, consisting of plenipotentiaries from Colombia, Central America, Peru, and Mexico, assembled in the city of Panamá, June 22, 1826, and in a session of three weeks concluded various treaties; one of perpetual union, league, and confederation; others relating to the contingents which the confederates should contribute for the common defence; and another for the annual meeting of the Congress in time of war. Having thus promptly despatched their private affairs, the assembly adjourned to Tacubaya in Mexico, on account of the insalubrious climate of Panamá, before the delegation of the United States had arrived; since when it has justly acquired the epithet of *introuvable*, and probably never will reassemble in its original form.

Is there not a secret history of all this? Why did Chile and Buenos Ayres refuse to participate in the Congress? Why has it now vanished from the face of the earth? The answer given in South America is, that Bolivar proposed the assembly as part of a grand scheme of ambition,—ascribed to him by the republican party, and not without some countenance from his own conduct,—for establishing a military empire to embrace the whole of Spanish America, or at least an empire uniting Colombia and the two Perus. To give the color of plausibility to the projected assembly, the United States were invited to be represesented; and it is said Bolivar did not expect, nor very graciously receive, their acceptance of the invitation. And whatever aid, if any, in his ambitious designs, he may have anticipated from it, he was wholly disappointed in the result. Don Manuel Vidaurre's speech for the opening of the Congress, much as it surprised the world, and greatly as it was ridiculed and denounced in various quarters, served to undeceive Bolivar as to his personal hopes from the assembly, if he

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continued to entertain them, and on this very ground was loudly applauded in the journals of Buenos Ayres and Chile. And the disclosures which Vidaurre has made since the adjournment of the Congress, convert into certainty that which was but conjecture before. He states, that a gigantic plan was formed for subdividing America into four states. Mexico and Guatemala were to form one republic, and the United States another, which together would cover the northern continent; while Colombia, Upper and Lower Peru, Chile, and Buenos Ayres, melted into a single empire under the sway of Bolivar, and Brazil under Pedro, disposed in like manner of South America. If Bolivar has ever allowed such wild dreams of Titanian ambition as this to work upon his imagination, it serves to show how liable the judgment is to be warped by flatterers, and unsettled by the vertigo of immoderate power. Happily, the Congress attempted nothing of this kind. In regard to the welfare of Spanish America, it has been wholly without fruit, as judicious men in the South predicted it would be; and we dismiss it, therefore, to revert to the course of our narrative.

Bolivar, having waited at Lima until he was pronounced president of Peru for life by the electors of the capital, and feeling confident, perhaps, that the business could now be safely completed in his absence, prepared to return to Colombia. He invested Don Andres Santa Cruz with the supreme command during his absence, and took leave of Peru, September 3, 1826. His parting proclamation contained the significant words; '*Vuestros bienes y vuestros males serán los mios.* UNA NUESTRA SUERTE.' His return was *professedly* in consequence of the insurrection of Paez in Venezuela, and the distraction it entailed on the republic. Subsequent events have led to a very general belief in South America, that the time and the alleged cause of his departure were part of a design to subvert the constitution of Colombia, and substitute the Bolivian Code in its place. How far this belief is warranted by facts, will appear from the progress of events as we follow them step by step; for some attention to dates is necessary to show the proper construction of what relates to Bolivar personally.

At the commencement of the year 1826, the internal condition of Colombia was apparently prosperous and tranquil. Bolivar had been reëlected president of the republic, and Santander vice-president, to enter upon their new term of service

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in 1827. On occasion of this election, Bolivar signified his wish to retire from public life, anxious, he said, to satisfy the world of his abhorrence of supreme power, and to prove that his actions were not governed by ambition; but the electors do not seem to have been sufficiently persuaded of the sincerity of the renunciation to regard it. Santander had ably administered the executive authority, from the very foundation of the government, aided by the most eminent civilians and officers produced by the revolution. Still, under the outward seeming of political calm, there existed elements of confusion, which required only a convenient opportunity to burst forth into open disorder. Neither Venezuela nor Quito had been perfectly satisfied with the constitution adopted at Cúcuta, which merged their ancient provincial importance in the consolidated mass of the republic of Colombia. In Caracas, especially, a strong party existed, who zealously opposed the constitution when presented to them, and protested against it before taking the usual oath in its support. Nor had they ever ceased to urge their preference for the federal system. Similar feelings existed, although to a less extent, in Quito, and especially in Guayaquil, which had been forcibly aggregated to the republic. Yet as the constitution contained a provision for its own amendment, or entire abrogation, if the people so willed it, after an experimental trial of ten years, when a grand convention was to assemble to consider the subject, it is probable, that, if nothing had happened to stimulate the disaffected prematurely, they would have treasured up their opposition until the constitutional period arrived for causing it to be felt and respected.

Such was the state of things, when the city of Caracas, not unwilling, perhaps, to find cause of cavil against the general government, procured the impeachment of General Paez, commandant-general of the department of Venezuela, for certain acts of oppression, of no great consequence, in executing a law for the enlistment of the militia. When the summons for him to resign his authority and attend to take his trial before the senate came to him, Paez was prevailed upon to disobey it; and some of the officers about his person, aided by a few political agitators, induced or compelled the municipality of Valencia, where Paez then was, to pass a resolution reinstating him in the command, of which, by the express provisions of the constitution, and the consequent order of the executive, he was divested. This happened April 30, 1826.

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Paez accepted, without hesitation, the authority thus illegally bestowed. When these proceedings were known at Caracas, the municipality hastily confirmed the act of Valencia, anxious, no doubt, by anticipating the wishes of Paez, to atone for the prosecution they had instituted. Paez being thus thrown into open opposition to the government, the disaffected party in Venezuela promptly embraced the occasion to promote their plans of change; and procured the act of Valencia of the eleventh of May, and that of Caracas of the sixteenth of May, appointing Paez independent civil and military chief of Venezuela, and declaring their object to be the alteration of the existing constitution. Paez and his coadjutors all professed their desire to have the change peaceably brought about, and united in appealing to the Liberator as the arbiter of the public differences; and Paez despatched two commissioners to Lima to solicit Bolivar to return to Colombia.

When the intelligence of this insurrectionary movement reached Bogotá, the vice-president wisely abstained from attempting what he could not perform,—the suppression of the disorder by force of arms,—and contented himself with an official defence of his conduct, and other pacific measures, hoping the contagion would not extend beyond the department of Venezuela. But in July the city of Guayaquil passed an act in favor of anticipating the grand convention. Quito and Cuenca followed in the same path, and then Maracaybo, which last expressly declared for the federal system; but neither of these places renounced its allegiance to the general government. These proceedings, of course, weakened the hands of Santander, in the same proportion that they strengthened those of Paez. Municipal acts of the same description were afterwards adopted in the department of Maturin, and in Margarita, Cumaná, Panamá, and other places; although without perfect unanimity in the letter, yet all calling for the anticipation of the convention. Such was the political condition of Colombia in the month of August, at the very time when Bolivar was openly forcing himself and the Bolivian Code upon Peru. Of the twelve departments, which composed the republic, eight were in a state of disorganization more or less complete; the national finances were in disorder, and discord seemed on the brink of stirring up the inhabitants to civil war. Santander continued to urge Bolivar, in the most pressing manner, to come and exert his influence to allay the

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public ferment. The people everywhere expressed extreme solicitude for his return. No conceivable cause existed for his remaining in Peru, of a public nature, except the advancement of his own personal power, which began to be openly charged upon him as the inducement of his delay. In fine, the friends of the constitution did not stop short of suspecting him of acting in collusion with Paez, and throwing the public affairs into confusion, that he might be called to restore them, and have the opportunity of doing it in his own way.

Too many facts existed, which gave color to the suspicion. It does not appear, that, in the first instance, he instigated the insurrection; but it does appear, that, in an early stage of it, he had an understanding of some kind with Paez, and his own acts directly served to augment the public disorder. The coincidence of dates, in regard to events in Peru and Colombia, is singular at least, if it have no meaning. In April, Bolivar procures the dissolution of the Peruvian Congress, and the continuance of his dictatorship; and in the same April Paez raises the standard of revolt in Valencia. In May Bolivar publishes the Bolivian Code as his political creed; and in the same May Venezuela demands a reform of the constitution of Colombia. Confidential communications were interchanged, at this period, between Bolivar and Paez; and each, in recorded public acts or writings, signified his perfect reliance in the good faith of the other, in his patriotism, and in the rectitude of his intentions. It was not possible, however, for the constitutional party in Colombia to understand exactly Bolivar's policy, because the public developement of his ambitious projects in Peru, and the insurrection of Paez, *took place contemporaneously*. Of necessity, some time must elapse before the provisions of the Bolivian Code could become generally known in Colombia. And the arrangements for permanently fixing his authority in Peru seem to have been purposely so timed, or at least events happened so to turn out, that he should arrive in Bogotá, and obtain the control of the government, before the people of Colombia could gain any idea of the nature of his operations in Peru, or their final result. Rumors of his probable intention could not fail soon to reach Colombia, and undoubtedly individuals might possess authentic information on the subject; but months must elapse before facts of a decisive character would obtain general circulation in a credible shape.

Still many of the political agitators did not disguise their be-

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lief, that Bolivar would, nay, that in order to tranquillize the nation he must, assume dictatorial powers in Colombia. A practice, curious in itself, and which, to the inhabitants of countries accustomed to the functions of self-government, and to men understanding the nature of written constitutions, must of course appear passing strange, has very generally obtained in South America. Early in the revolution, the untaught politicians of the new republics,—and every meagre province called itself a republic,—made a parade of elaborate constitutions, often wholly unfit for their situation and essentially impracticable. When danger came, their legislative bodies suspended, not a mere *habeas corpus* act, as Americans or Englishmen might perhaps do, but the fundamental articles of a whole constitution. They began, it is true, by suspending only some few articles, so as to enlarge the authority of the executive; but when the inviolability that belongs to the constitution was once broken in this manner, it was no easy matter to fix limits to the practice. Cundinamarca set the example of this proceeding in Colombia, so early as 1811, in the case of Nariño, and the lesser states were not slow in adopting so convenient a plan. The next step was, whenever a season of peculiar peril arrived, to suspend a whole constitution in the mass, and elect a dictator in name and in power, to administer the government, in imitation of ancient Rome. In 1812, Pamplona, Popayan, and Cundinamarca, were each governed by a dictator. Other examples abound in South American history. Nay, to such a pitch did the abuse extend in New Granada, that the general Congress was obliged to interfere, in 1814, and prohibit the practice of nominating dictators on every occasion, as opening a door to tyranny and usurpation. But the expedient was adopted so generally, that men became familiarized with the name and the substance of a dictatorship; and constitutions lost that august and venerable character, which they ought to have, to ensure their being religiously observed. Hence, although the constitution of Colombia had now subsisted in full vigor upwards of four years, still the idea of suspending it would not be abhorrent to the habits of thinking in Colombia. Men, who would shrink from the suggestion of submitting to a king, would not be startled at all by the idea of a dictator, exercising for the time being all the arbitrary powers of an oriental despot. We deem these explanations necessary, to show why many began to look to a dictatorship for

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relief, and why the ardent friends of the constitution did not instantly take arms against it when openly proposed.

Bolivar himself began to sound the people of Colombia on the subject, as the crisis and consummation of his plans approached. He addressed a letter to Dr Cristóbal Mendoza, intendant of Venezuela, as the organ of communicating his ideas to his countrymen, wherein he says; 'I propose the Bolivian Code, which, with some slight alterations, appears to me suitable to the circumstances of Colombia.' And again; '*I myself* am the rallying point of all who love the national glory and the rights of the people.' To a communication of the city of Guayaquil, transmitting the municipal act before mentioned, Bolivar's secretary officially replied, under date of August 1, 1826, that the Liberator had given 'his confession of political faith' in the constitution presented to Bolivia, and at the same time signified his entire confidence in the political integrity of Paez. These intimations were the prelude to more decided acts. A pamphlet was prepared and published at Lima by Leocadio Guzman, setting forth the praises of the Bolivian Code in the most exalted and extravagant terms, stating and elaborately defending its various provisions. In August, 1826, but a few weeks before Bolivar set out for Bogotá, this very Leocadio Guzman was despatched on a mission along the departments of Colombia bordering on the Pacific, with credentials addressed to the several prefects, requiring each of them to assemble the municipality of his capital, and procure acts declaratory of their wish for the introduction of the Bolivian Code, and appointing Bolivar dictator. He proceeded openly in the execution of his commission, and by persuasion, intimidation, and the influence of Bolivar's name over the military, he procured the adoption of these unconstitutional acts successively in the departments of Guayaquil, Asuay, the Equator, and the Isthmus. These acts were passed at the absolute dictation of Guzman and the officers in command in these places; and in 1827, when the cause of the constitution gained a temporary ascendency, the magistrates made official representations to the general government of the shameful intrigues and violence attending their adoption.

Bolivar landed at Guayaquil but a fortnight after his emissary Guzman, with a small retinue, and proceeded without delay to Bogotá, where he arrived November 13, 1826. His conduct in the capital was too ambiguous, either to allay entirely,

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or absolutely to confirm the sinister forebodings of the constitutionalists. He encouraged their hopes by some acts, while he augmented their fears by others. Having assumed the extraordinary powers, which the constitution conferred on the executive in cases of civil commotion, and in virtue of those powers introduced sundry radical changes in the administration for alleged purposes of economy, he hastened onward to Venezuela, where all parties loudly demanded his presence. Previous to this, a person had arrived at Caracas, in November, professing to be a commissioner from the Liberator, at whose instigation, it would seem, the citizens held a public meeting, and on the supposition, that the constitution and the social compact of Colombia existed no longer, resolved that Venezuela should become an independent state as before the union. Bolivar issued a proclamation in Maracaybo, on the nineteenth of December, declaring the departments of Sulia, Orinoco, Venezuela, and Maturin, under his immediate authority. He was received everywhere with entire submission. Paez himself was the most forward to load the Liberator with extravagant marks of personal devotion, and received, for his reward, a continuance in his authority as supreme chief of Venezuela. With Bolivar's decree of amnesty, issued January 1, 1827, the insurrection was really at an end, whatever subsequent acts may have been requisite to complete the work of pacification. The meeting of Paez and Bolivar was that of attached friends, indissolubly united by the bond of reciprocal good services performed or expected, and afforded a melancholy presage of the union of political purpose, which has proved fatal to the constitution of Colombia.

Bolivar continued in Venezuela, chiefly at Caracas, for the space of five months, surrounded by the most ardent members of the reform party, who became his bosom friends and advisers. These persons devoted themselves unremittingly to the task of denouncing the constitutional party, the men, and the departments, that remained faithful to the laws, and especially Santander, as the leading supporter of the constitution. They urged the necessity of adopting the Bolivian Code, of uniting Colombia, Peru, and Bolivia, and of committing all the powers of government to Bolivar as president for life, with a pertinacity of zeal, which, exerted as it was under the very eye of the Liberator, filled the friends of liberty with consternation and sorrow. Bolivar himself, in a communication

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to the president of the senate, dated February 6, 1827, renounced the presidency of the republic, in language of the same tenor as that which he had used in Peru. His communication was discussed in the Congress with great warmth; and twenty-four members of that body, breathing a spirit worthy of Roman senators, manfully voted to accept the renunciation, reprobating, in terms worthy of the occasion, the unmeasured ambition of the Liberator. Meanwhile he continued in Caracas, retaining in exercise the extraordinary powers which he had assumed, although, by the terms of the constitution, they ceased at the meeting of the Congress, and although the Congress had passed a decree for the restoration of constitutional order throughout the republic.

Such was the condition of affairs, when intelligence of the extraordinary revolution in Peru, of January 26, 1827, reached Colombia. It appeared that the Bolivian Code was quite as odious to the Colombian army, on whom Bolivar had relied to maintain his power in Peru, as it was to the Peruvians themselves. The army had testified no reluctance in standing by Bolivar thus far, in fixing his authority in a foreign country; but they were alarmed by the proceedings at Guayaquil and Quito, which threatened the liberties of their own country; and seeing that Bolivar countenanced, if he did not instigate, the acts in question, they gradually wrought themselves up to such a height of resentment against the Liberator, that they determined to return to Colombia and forcibly resist his designs. Colonel Bustamante, a young Colombian of merit and talent, placed himself at their head, arrested Generals Lara and Sands, and others of their officers, whom they considered subservient to Bolivar, and invited the Peruvians to organize a government for themselves. The latter cheerfully embraced the offer, abolished the Bolivian Code, which they declared to have been forced upon them by the Liberator, and established a temporary government under General Santa Cruz himself, which gave place at length to regular constitutional authorities, with Don José La Mar as president. Meantime Bustamante and the army embarked at Callao, March 13, 1826, and landed in the southern department of Colombia, full of the most hostile feelings towards Bolivar, and supposing they should find the government totally disorganized by his machinations. They were agreeably surprised to discover, that the constitutional Congress and executive were still obeyed, and on obtaining

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satisfactory assurances of this fact, peaceably received General Obando, who was appointed by the vice-president to quell the mutiny, if persisted in, and to take the command of the mutineers, if they submitted without resistance. There could be no doubt that the Bolivians would follow the example of the neighboring state, in renouncing the objectionable Code, placed as they were between Buenos Ayres and Peru, each extremely hostile to Bolivar; and it was reasonable to consider the defection of one as involving that of the other, as the event proved. Thus crumbled into ruin the labored fabric of Bolivar's towering ambition, reared at such irreparable sacrifice of fame and character, but wanting the necessary foundation of public opinion to support it, without which no government can permanently subsist in communities constituted like the South American republics.

Bolivar was moved by these events from the ominous inactivity, wherein he had persevered so long, and instantly put himself in motion for the south, to assume the presidency, and punish 'the audacity' of the 'new Prætorians,' as he characterized the late Colombian auxiliaries of Peru; and to march, he said, 'against the traitors who, after having trodden under foot their holiest duties, had raised the standard of revolt to invade the most loyal departments' of the republic. Indeed, the whole proclamation, announcing his altered purpose, singularly betrays the conflicting emotions, which the circumstances were calculated to awaken in his bosom. His glorious reputation was tarnished by the attempt at usurpation, without gaining even the inferior lustre of success to compensate him for the loss. He had sold his fame to the tempter, for the acquisition of power, and was cheated of that for which he had paid a price far exceeding all estimation. Even his brave associates in a life of victory had learnt to denounce his name, and he was driven to muster an army to oppose them, his chosen companions in arms. It became necessary for him to dissemble or defer his designs upon Colombia, therefore, and act for a season as her constitutional chief magistrate, until he could arrange measures to recombine the scattered fragments of his arbitrary power. He made his public entry into the capital, September 10, 1827, and took the constitutional oath as president in the forms prescribed by law, signifying his personal desire to abide by the result of the grand convention, which, by the decree of the Congress, was ordered to meet at

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Ocaña in the ensuing spring. The submission of the Colombian troops in the south rendered his presence there unnecessary, and of course he entered upon the discharge of the executive duties at the seat of government. But nothing fell from his lips to encourage the republican party to expect anything at his hands; nor did he intimate a disposition to relinquish the purpose, imputed to him and never disclaimed, of forcing the Bolivian Code and the presidency for life upon Colombia.

It is not our intention to continue the account of Bolivar's life through the past year, in which the worst prediction of the constitutionalists have been fearfully realized, in the events consequent upon the dissolution of the convention of Ocaña. Bolivar, at the head of the government, as irresponsible military dictator,—the constitution virtually abolished,—the assault on the government palace by armed men, bent on freeing the republic of her Cæsar in Roman fashion,—Padilla's execution, and the consignment of Santander to the fatal prison-house of Boca-Chica,—hostility between Peru and Colombia, heightened into open war by reciprocal wrongs, and by the personal feelings of Bolivar,—such are the successive incidents, which, in the year that has elapsed, have gathered and darkened around the individual character of the Liberator. They are contemporary history, which requires more extended examination than our space or time will now permit; and here therefore we take leave of the subject. What is to be the result of the present state of things, time will show. We do not apprehend the establishment of a monarchy *eo nomine*. Mr Salazar discloses the curious fact, that a constitutional monarchy has been the subject of much debate in Colombia, although it has been confined principally to private discussions, and rarely mentioned by public writers. The name is too unpopular in South America to encourage its introduction. But recent events indicate, that the substance is regarded with no unfavorable eye; and among military men especially, we fear too many agree to the assertion of Don Tomas de Heres; 'La cuestion está reducida á esta muy sencilla alternativa,—constitucion y ruina del Estado y de los hombres virtuosos, ó absolutismo y órden y paz.' Yet impartial observers cannot fail to inquire, whose machinations they were that contributed to reduce the question to the desperate alternative of anarchy or despotism.

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ART. III.—*Documents and Proceedings relating to the Formation and Progress of a Board in the City of New York, for the Emigration, Preservation, and Improvement of the Aborigines of America.* July 22, 1829.

THE destiny of the Indians, who inhabit the cultivated portions of the territory of the United States, or who occupy positions immediately upon their borders, has long been a subject of deep solicitude to the American government and people. Time, while it adds to the embarrassments and distress of this part of our population, adds also to the interest which their condition excites, and to the difficulties attending a satisfactory solution of the question of their eventual disposal, which must soon pass *sub judice*. That the Indians have diminished, and are diminishing, is known to all who have directed their attention to the subject. For any purpose we have in view, it is not necessary to go back to the remote periods of aboriginal history, and investigate the extent of the population, and their means of subsistence, and to calculate the declension of the one, and the reduction of the other, as the white man advanced in his progress from the seat covered by a buffalo robe,* first given to him on the shore of the ocean, to the dominion he now enjoys. Such an inquiry would be vain and useless. The materials for any comparative estimate of Indian population at different periods, are scanty and unsatisfactory, collected without care, and combined without judgment. They are in fact but vague estimates, received and given in a spirit of exaggeration, and serving little more than to exhibit the probable relative strength of the various tribes.

But although precision be unattainable, and, we may add, unimportant, yet the principal facts are indisputable. The Indians have gradually decreased since they became first known to the Europeans. The ratio of this diminution may have been greater or less, depending on the operation of causes we shall presently investigate; but there is no just reason to believe, that any of the tribes, within the whole extent of our boundary, has been increasing in numbers at any period since they have been known to us. This opinion is expressed by

* The Indian tradition respecting the quantity of land first given to the white men.

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the Superintendents of Indian affairs, in the report submitted to Congress at its last session, by the war department; and from the favorable opportunities possessed by those officers, of acquiring correct information upon this subject, their opinion must carry with it considerable authority.* The whole amount of Indian population, within the United States, east of the Mississippi, is estimated in this report at 105,060, and is divided as follows.

Within the states of Maine, Massachusetts, Rhode Island, Connecticut, and Virginia	2,573
The state of New York	4,820
Pennsylvania	300
North Carolina	3,100
South Carolina	300
Georgia	5,000
Tennessee	1,000
Ohio	1,877
Mississippi	23,400
Alabama	19,200
Indiana	4,050
Illinois	5,900
Territory of Michigan	29,450
Florida	4,000
	105,060

It will be seen, that in the original states the primitive stock has been reduced to 16,093 individuals, and that three fourths of the number now surviving, in the whole of the vast country east of the river Mississippi, are found in the states of Alabama and Mississippi, and in the Territory of Michigan, where the pressure upon them is now beginning to be felt, and will bring with it the usual process of deduction.

In the same report, the number of Indians west of the Mississippi is thus estimated,

Between the Mississippi and the Rocky Mountains	108,070
Within the ranges of the Rocky Mountains	20,000
West of the Rocky Mountains	80,000

Making a general aggregate of 313,130, within the United

* We are aware of the statements which have been made concerning the increase of population among the Cherokees, but we have seen no satisfactory evidence of it.

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States, extending over twenty-four degrees of latitude and fifty-eight degrees of longitude. And these are the remnants of the primitive people, who, only two centuries ago, possessed this vast country; who found in the sea, the lakes, the rivers, and forests, means of subsistence sufficient for their wants.

It would be miserable affectation to regret the progress of civilization and improvement, the triumph of industry and art, by which these regions have been reclaimed, and over which freedom, religion, and science are extending their sway. But we may indulge the wish, that these blessings had been attained at a smaller sacrifice; that the aboriginal population had accommodated themselves to the inevitable change of their condition, produced by the access and progress of the new race of men, before whom the hunter and his game were destined to disappear. But such a wish is vain. A barbarous people, depending for subsistence upon the scanty and precarious supplies furnished by the chase, cannot live in contact with a civilized community. As the cultivated border approaches the haunts of the animals, which are valuable for food or furs, they recede and seek shelter in less accessible situations. The number of these animals may be diminished, but cannot be increased, by the interference of men; and when the people, whom they supply with the means of subsistence, have become sufficiently numerous to consume the excess annually added to the stock, it is evident, that the population must become stationary, or, resorting to the principal instead of the interest, must, like other prodigals, satisfy the wants of to-day at the expense of to-morrow.

The general principles regulating the population of the human race are as applicable to wandering tribes, deriving their support from the bounties of nature, as to stationary and civilized societies, where art and industry can increase almost indefinitely those products which minister to their wants. Population and production must eventually preserve a just ratio to each other. Whether the tribes upon this continent had attained the *maximum* of their population, before the discovery, we have not now the means of ascertaining. It is certain, however, as well from a consideration of their mode of life, as from a careful examination of the earlier narratives, that, greatly as they exceeded their present numbers, they were yet thinly scattered over the country. There is no reason to believe, that vegetable productions were ever cultivated to any

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considerable extent by the Indians, or formed an important part of their food. Corn, and beans, and pumpkins were indigenous to the country, and were probably raised in small quantities around each Indian village. But they were left to the labor of the women, whose only instrument of agriculture was a clam-shell, or the shoulder-blade of a buffalo, tied to a stick. Their habits of life were then what they now are. They returned from their hunting grounds in the spring, and assembled in their villages. Here their few vegetables were planted. But although the seed-time came, no harvest followed; for before their corn was ripe, it was generally consumed, with that utter recklessness of the future, which forms so prominent and unaccountable a feature in their character. As the autumn approached, they separated and repaired to their *wintering* grounds, where, during eight months of the year, they were engaged alternately in the chase, and in those relaxations and amusements, peculiar to the condition of the hunter. This was the annual round of aboriginal life.

It is obvious, that the reduction or disappearance of the game, consequent upon the conversion of forests into fields, and the gradual advance of a civilized people, must have soon begun to press upon the means of subsistence, on which the Indians mainly depended. Other circumstances coöperated in the work of destruction. Fire-arms were introduced, and greatly facilitated the operations of the hunter. Articles of European merchandise were offered to the Indians, and they were taught the value of their furs, and encouraged to procure them. New wants arose among them. The rifle was found a more efficient instrument than the bow and arrow; blankets were more comfortable than buffalo robes; and cloth, than dressed skins. The exchange was altogether unfavorable to them. The goods they received were dear, and the peltry they furnished was cheap. A greater number of animals was necessary for the support of each family, and increased exertion was required to procure them. We need not pursue this subject further. It is easy to see the consequences, both to the Indians and their game.

Herds of buffaloes were once found upon the shore of Lake Erie, and at the base of the Allegany mountains. They have now receded to the plains beyond the Mississippi, and are every year migrating still further west. A few years since, they were unknown in the Rocky Mountains. They have now

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passed that barrier, and will ere long reach the Pacific. The beaver has nearly disappeared upon all our borders, and hunters and trappers have followed them to the waters of the Columbia. Even the common red deer, once so abundant, is rarely found east of the Allegany, and is becoming scarce in the western regions.

But a still more powerful cause has operated to produce this diminution in the number of the Indians. Ardent spirits have been the bane of their improvement; one of the principal agents in their declension and degradation. In this proposition we include only those tribes in immediate contact with our frontier settlements, or who have remained upon *reservations* guarantied to them. It has been found impracticable to prevent the sale of spirituous liquors to those who are thus situated. The most judicious laws are eluded or openly violated. The love of spirits, and the love of gain, conspire to bring together the buyer and the seller. As the penalties become heavier, and the probability of detection and punishment stronger, the prohibited article becomes dearer, and the sacrifice to obtain it greater. We shall not attempt to investigate the cause of the inordinate attachment displayed by the Indians to ardent spirits. It is probably without a parallel in all the history of man, and is certainly so, with very few exceptions, in the whole range of their own society. There is a singular uniformity in its operation, destroying the effect of individual character, and substituting a common standard of feeling and deportment. These facts are known to all, to whom the Indians themselves are known. This predisposition was the subject of observation and regret two centuries ago; and the earlier historians and travellers, while they furnish the record of its existence, furnish also the evidence of its overpowering influence and destructive consequences.

Our object, as will be seen in the sequel, is not to trace the operation of all the causes which have contributed to the diminution of the population of the Indians. We confine ourselves to those which may be fairly attributed to the coming of the Europeans among them, and which are yet exerting their influence, wherever the two races are placed in contact. As we shall attempt eventually to prove, that the only means of preserving the Indians from that utter extinction which threatens them, is to remove them from the sphere of this influence, we are desirous of showing, that no change has occurred, or proba-

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bly can occur, in the principles or practice of our intercourse with them, by which the progress of their declension can be arrested, so long as they occupy their present situation.

The consequences of their own wars, therefore, do not fall within this inquiry. These were in active operation long before our forefathers landed upon the continent, and their extent and effects have been gradually circumscribed by our interposition, until the war-hatchet has been buried by many of the tribes which are near us; and if not buried, will, we trust, ere long be taken from those which are remote.

To the operation of the physical causes, which we have described, must be added the moral causes connected with their mode of life, and their peculiar opinions. Distress could not teach them providence, nor want industry. As animal food decreased, their vegetable productions were not increased. Their habits were stationary and unbending; never changing with the change of circumstances. How far the prospect around them, which to us appears so dreary, may have depressed and discouraged them, it is difficult to ascertain, as it is also to estimate the effect upon them of that superiority, which we have assumed and they have acknowledged. There is a principle of repulsion in ceaseless activity, operating through all their institutions, which prevents them from appreciating or adopting any other modes of life, or any other habits of thought or action, but those which have descended to them from their ancestors.

That the aboriginal population should decrease under the operation of these causes, can excite no surprise. From an early period, their rapid declension and ultimate extinction were foreseen and lamented, and various plans for their preservation and improvement were projected and pursued. Many of them were carefully taught at our seminaries of education, in the hope that principles of morality and habits of industry would be acquired, and that they might stimulate their countrymen by precept and example to a better course of life. Missionary stations were established among various tribes, where zealous and pious men devoted themselves with generous ardor to the task of instruction, as well in agriculture and the mechanic arts, as in the principles of morality and religion. The Roman Catholic Church preceded the Protestant, in this labor of charity; and the *Lettres Edifiantes* are monuments of her zeal and liberality. Unfortunately, they are monuments also

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of unsuccessful and unproductive efforts. What tribe has been civilized by all this expenditure of treasure, and labor, and care? From the martyrdom of Le Père Brebeuf, in 1649, upon the shore of Lake Huron, to the death of the last missionary, who sacrificed himself in a cause as holy as it has proved hopeless, what permanent effect has been produced? Year after year sanguine anticipations have been formed, to be succeeded by disappointment and despondency. We are flattered with accounts of success, with explanations for the past and hopes for the future; and this, without the slightest intention to deceive. But the subject itself is calculated to excite these expectations. There are always individuals attending these establishments, who give fair promise of permanent improvement and usefulness. And as these prospects are blighted, others succeed to excite the same hopes, and to end in the same disappointment.

In the 'Remarks upon Indian Reform,' written by the Rev. Isaac McCoy, to whom and to whose labors and opinions we shall hereafter refer, there are some views upon this subject, so apposite and correct, that we shall submit them to our readers. It must be borne in mind, that the writer is a missionary, and a pious and laborious one.

'Societies and their missionaries should carefully guard against what we might term *high coloring*. We are naturally fond of telling the more favorable parts of the story, and rather desire the unfavorable parts to sink into oblivion. I could readily point to statements respecting missionary operations, which approximate this character too nearly. But I deem it sufficient to mention only this general and undoubted fact, viz. a man in Europe, by reading the whole of our missionary journals, narratives, reports, &c. would be apt to suppose the success of our labors was such, that the aborigines of our country were rapidly improving their condition, both in respect to Christianity and civilization. How would such a one be disappointed on visiting these regions to find, that, instead of improvement in general, they were rapidly decreasing in numbers, and perishing under their accumulating misfortunes.'

The Wyandots, who occupied so much of the care of the Roman Catholic Missionaries, have dwindled to about 700 individuals, who are seated upon a *reservation*, near the centre of the state of Ohio. Serious divisions of opinion exist among them, and a sedentary life begins to be irksome. Already

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their attention is directed to the trans-Mississippian regions. The Delawares, to whom the Moravians so long and faithfully devoted themselves, have already passed over the Mississippi, where they are resuming their pristine habits. A small society yet exists in Upper Canada; but they are diminishing, and certainly their appearance indicates neither prosperity nor improvement. The Iroquois or Six Nations, the Shawnese, the Miamies, the Potawatamies, and the Ottawas, all of whom have engaged the care and attention of individuals and societies devoted to this object, furnish no evidence of any melioration in their condition, which has resulted from the prosecution of these efforts.

The cause of this total failure cannot be attributed to the nature of the experiment, nor to the character, qualifications, or conduct, of those who have directed it. The process and the persons have varied, as experience suggested alterations in the one, and a spirit of generous self-devotion supplied the changes in the other. But there seems to be some insurmountable obstacle in the habits or temperament of the Indians, which has heretofore prevented, and yet prevents, the success of these labors. Whatever this may be, it appears to be confined to the tribes occupying this part of the continent. In Mexico and South America, a large portion of the aboriginal race has accommodated itself to new circumstances, and forms a constituent part of the same society with their conquerors. Under the Spanish *régime* they existed as a degraded cast; but still they were sedentary, living under the protection of the laws, and providing by labor for their comfortable subsistence.

In other parts of the continent, particularly in California and Paraguay, where the Spanish sway had but a nominal existence, the Jesuits succeeded in collecting the Indians into regular societies, in improving their morals and condition, and in controlling and directing their conduct. In the usual progress of conquest, where permanent possession is retained, the victors and vanquished become connected together, and if they do not form one people, they yet acknowledge obedience to the same laws, and look to them for protection. But from the St Lawrence to the gulph of Mexico, under the French, or British, or Spanish, or American rule, where is the tribe of Indians, who have changed their manners, who have become incorporated with their conquerors, or who have exhibited any just estimate of the improvements around them, or any wish to participate in them?

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The interesting nature of this subject, and the views we shall present to our readers, demand, that the sources of our information should not be withheld from them. Our Indian relations generally are a concern, not of speculation, but of action; and a just and intimate knowledge of the Indians, of their mode of life, of their peculiar opinions, and of all that they feel, and suffer, and want, can only be acquired in their villages, camps, and hunting grounds. They stand alone among the great family of man, a moral phenomenon, to be surveyed and observed, rather than to be described and explained. Our personal intercourse with them has been confined almost wholly to the tribes in the Northwestern regions of the United States, to the Iroquois, the Wyandots, the Delawares, the Shawnese, the Miamies, the Kickapoos, the Sacs, the Foxes, the Potawatamies, the Ottawas, the Chippewas, the Ioways, the Menomonies, the Winebagoes, and the Sioux. Our general facts and deductions will be principally founded upon what we have seen and heard among these tribes. With the Southern Indians, the Creeks, Cherokees, Choctaws, and Chickasaws, we have not had the same opportunities of personal communication and observation. Of the Creeks and Cherokees, however, we have some knowledge; and so far as our personal intercourse with them has extended, they presented to us the same external appearance and the same general traits of character, which elsewhere mark the race of red men. And this similarity, we may almost say identity, of appearance and character, which prevails among our Indian tribes, is not the least striking of the peculiarities which designate them as a distinct variety of the human race. Speaking languages, which, in the present state of our knowledge of them, appear to spring * from four primitive stocks, and which are broken into many different dialects, in all the essential characteristics of mind, manners, and appearance, they are one people.†

We have made the inquiry respecting the permanent advantage, which any of the tribes have derived from the attempts to civilize them, with a full knowledge of the favorable

* We mean to confine this observation to the tribes east of the Mississippi.

† This fact was known to Dr Robertson. 'The qualities belonging to the people of all the different tribes, have such a near resemblance, that they may be painted with the same features.'—*Hist. Amer.* B. IV.

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reports that have been circulated concerning the Cherokees. Limited as our intercourse with those Indians has been, we must necessarily draw our conclusions respecting them from facts which have been stated to us, and from the general resemblance they bear to the other cognate branches of the great aboriginal stock. It is due to truth, that this admission should be made.

That individuals among the Cherokees have acquired property, and with it more enlarged views and juster notions of the value of our institutions, and the unprofitableness of their own, we have little doubt. And we have as little doubt, that this change of opinion and condition is confined, in a great measure, to some of the *half-breeds* and their immediate connexions. These are not sufficiently numerous to affect our general proposition; and the causes, which have led to this state of things, *are too peculiar ever to produce an extensive result.* An analysis of these causes is not within the task we have assigned to ourselves. They have been operating for many years, and among the most prominent of them has been the introduction of slaves, by which means that unconquerable aversion to labor, so characteristic of all savage tribes, can be indulged. And another was the great road from Natchez through their country to the states on the Ohio, along which the persons employed in the trade to New Orleans returned, before the introduction of steam navigation. Favorable positions upon this road were occupied by some of their influential men, and the scanty supplies furnished to the traveller were sold at high prices. The benefit was exclusively confined to these persons. But, we believe, the great body of the people are in a state of helpless and hopeless poverty. With the same improvidence and habitual indolence, which mark the northern Indians, they have less game for subsistence, and less peltry for sale. We doubt whether there is, upon the face of the globe, a more wretched race than the Cherokees, as well as the other southern tribes, present. Many of them exhibit spectacles as disgusting as they are degrading. Only three years since, an appropriation was made by Congress, upon the representations of the authorities of Florida, to relieve the Indians there from actual starvation.

We are as unwilling to underrate, as we should be to overrate, the progress made by these Indians in civilization and improvement. We are well aware, that the constitution of the

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Cherokees, their press, and newspaper, and alphabet, their schools and police, have sent through all our borders the glad tidings, that the long night of aboriginal ignorance was ended, and that the day of knowledge had dawned. Would that it were so. None would rejoice more sincerely than we should. But this great cause can derive no aid from exaggerated representations; from promises never to be kept, and from expectations never to be realized. The truth must finally come, and it will come with a powerful reaction. We hope that our opinion upon this subject may be erroneous. But we have melancholy forebodings. That a few principal men, who can secure favorable cotton lands, and cultivate them with slaves, will be comfortable and satisfied, we may well believe. And so long as the large annuities received from the United States, are applied to the support of a newspaper and to other objects, more important to the rich than the poor, erroneous impressions upon these subjects may prevail. But to form just conceptions of the spirit and objects of these efforts, we must look at their practical operation upon the community. It is here, if the facts which have been stated to us are correct, and of which we have no doubt, that they will be found wanting.

The relative condition of the two races of men, who yet divide this portion of the continent between them, is a moral problem involved in much obscurity. The physical causes we have described, exasperated by the moral evils introduced by them, are sufficient to account for the diminution and deterioration of the Indians. But why were not these causes counteracted by the operation of other circumstances? As civilization shed her light upon them, why were they blind to its beams? Hungry or naked, why did they disregard, or regarding, why did they neglect, those arts by which food and clothing could be procured? Existing for two centuries in contact with a civilized people, they have resisted, and successfully too, every effort to meliorate their situation, or to introduce among them the most common arts of life. Their moral and their intellectual condition have been equally stationary. And in the whole circle of their existence, it would be difficult to point to a single advantage which they have derived from their acquaintance with the Europeans. All this is without a parallel in the history of the world. That it is not to be attributed to the indifference or neglect of the whites, we have already shown. There must then be an inherent difficulty, arising

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from the institutions, character, and condition of the Indians themselves.

On this subject the world has had enough of romantic description. It is time for the soberness of truth and reality. Rousseau and the disciples of his school, with distempered imaginations and unsettled reason, may persuade themselves of the inferiority of civilized to savage life; but he who looks abroad over the forests of our country, and upon the hapless beings who roam through them, will see how much they endure, that we are spared. It is difficult to conceive that any branch of the human family can be less provident in arrangement, less frugal in enjoyment, less industrious in acquiring, more implacable in their resentments, more ungovernable in their passions, with fewer principles to guide them, with fewer obligations to restrain them, and with less knowledge to improve and instruct them. We speak of them as they are; as we have found them after a long and intimate acquaintance; fully appreciating our duties and their rights, all that they have suffered and lost, and all that we have enjoyed and acquired.

It is not our intention to undertake a delineation of the Indian character. We shall content ourselves with sketching such features as may serve to explain the difficulty which has been experienced in extending to them the benefit of our institutions, and in teaching them to appreciate their value.

Every Indian submits in youth to a process of severe mental and corporeal discipline. During its course, frequent intervals of long and rigid abstinence are enjoined, by which the system is reduced, and the imagination rendered more susceptible. Dreams are encouraged, and by these the novice is taught both his duty and his destiny, and in them his guardian *manitou*, who is to protect him in life and attend him in death, appears in the shape of some familiar animal, thenceforth to be the object of his adoration. He is taught to despise death, and during his whole life he regards it with indifference. An Indian seldom commits suicide, not because the grave does not offer him a refuge, but because patience and fortitude are the first duties of a warrior, and none but a coward can yield to pain or misfortune. This sternness of purpose is another lesson early taught.

He learns also to despise labor, to become a warrior and a hunter, to associate the idea of disgrace with any other em-

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ployment, and to leave to the women all the ordinary duties of life. He is a stern and unbending fatalist. Whatever of good or of evil may happen, he receives it with imperturbable calmness. If misfortunes press upon him, which he cannot resist, he can die; and he dies without a murmur. The opinions, traditions, and institutions of his own tribe, are endeared to him by habit, feeling, and authority; and from early infancy he is taught, that the Great Spirit will be offended by any change in the customs of his red children, which have all been established by him. Reckless of consequences, he is the child of impulse. Unrestrained by moral considerations, whatever his passions prompt he does. Believing all the wild and debasing superstitions which have come down to him, he has no practical views of a moral superintendence to protect or to punish him. Government is unknown among them; certainly, that government which prescribes general rules and enforces or vindicates them. The utter nakedness of their society can be known only by personal observation. The tribes seem to be held together by a kind of family ligament; by the ties of blood, which in the infancy of society are stronger as other associations are weaker. They have no criminal code, no courts, no officers, no punishments. They have no relative duties to enforce, no debts to collect, no property to restore. They are in a state of nature, as much so as it is possible for any people to be. Injuries are redressed by revenge, and strength is the security for right.

The faithful portrait of the Indians drawn by Dr Robertson in the fourth book of his History of America, is creditable alike to his industry and sagacity. It evinces the hand of a master, and we are tempted to lay before our readers a few detached extracts from that work. They delineate the red man as we have found him; neither elevating him above his true position, nor depressing him below it; and we bear our testimony to the general fidelity of this description. Among the authorities to which the distinguished author frequently refers, is the able and judicious historian of New France, Charlevoix.

'What they suffer one year does not augment their industry, or render them more provident to prevent similar distresses.' 'Such is their aversion to labor, that neither the hope of future good, nor the apprehension of future evil, can surmount it.' 'All the people of America, if we except some small tribes near the Straits of Magellan, whether natives of the tor-

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rid zone, or inhabitants of its more temperate regions, or placed by a harder fate in the severe climates towards its northern or southern extremity, appear to be equally under the dominion of this appetite [love of ardent spirits].' 'The rude Americans, fond of their own pursuits, and satisfied with their own lot, are equally unable to comprehend the intention or utility of the various accommodations, which, in more polished society, are deemed essential to the comfort of life.' 'This preference of their own manners is conspicuous on every occasion.' 'Men thus satisfied with their condition, are far from any inclination to relinquish their own habits, or to adopt those of civilized life.' 'Even where endeavors have been used to wean a savage from his own customs, and to render the accommodations of polished society familiar to him; even when he has been allowed to taste of those pleasures, and been honored with those distinctions, which are the chief objects of our desires, he droops and languishes under the restraint of laws and forms, he seizes the first opportunity of breaking loose from them, and returns with transport to the forest or the wild, where he can enjoy a careless and uncontrolled freedom.'

It is easy, in contemplating the situation of such a people, to perceive the difficulties to be encountered in any effort to produce a radical change in their condition. The *fulcrum* is wanting, upon which the lever must be placed. They are contented as they are; not contented merely, but clinging with a death-grasp to their own institutions. This feeling, inculcated in youth, strengthened in manhood, and nourished in age, renders them inaccessible to argument or remonstrance. To roam the forests at will, to pursue their game, to attack their enemies, to spend the rest of their lives in listless indolence, to eat inordinately when they have food, to suffer patiently when they have none, and to be ready at all times to die; these are the principal occupations of an Indian. But little knowledge of human nature is necessary, to be sensible how unwilling a savage would be to exchange such a life for the stationary and laborious duties of civilized society.

Experience has shown, that the Indians are steadily and rapidly diminishing. And the causes of this diminution, which we have endeavored to investigate, are yet in constant and active operation. It has also been shown, that our efforts to stand between the living and the dead, to stay this tide which is spreading around them and over them, have long been fruit-

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less, and are now hopeless. And equally fruitless and hopeless are the attempts to impart to them, in their present situation, the blessings of religion, the benefits of science and the arts, and the advantages of an efficient and stable government. The time seems to have arrived, when a change in our principles and practice is necessary; when some new effort must be made to meliorate the condition of the Indians, if we would not be left without a living monument of their misfortunes, or a living evidence of our desire to repair them.

A retrospective view of the relations which have existed between the civilized communities, planted or reared upon this continent, and the Indians, and an examination of the principles of their intercourse, may assist us in the further prosecution of this inquiry. Not that their example or authority can justify us in any system of oppression, but that maxims of jurisprudence, applied and enforced by wise and learned men, and practically adopted by the rulers of the old world for the government of the new, may be fairly presumed to be founded in the just and relative rights of the parties. If the Christian and civilized governments of Europe asserted jurisdiction over the aboriginal tribes of America, and, under certain limitations, a right to the country occupied by them, some peculiar circumstances must have existed to vindicate a claim, at first sight revolting to the common justice of mankind. And if these circumstances were not then, and are not now, sufficiently powerful to justify such pretensions, their interference was culpable, and so would be ours. The Indians are entitled to the enjoyment of all the rights which do not interfere with the obvious designs of Providence, and with the just claims of others. Like many other practical questions, it may be difficult to define the actual boundary of right between them and the civilized states, among whom or around whom they live. But there are two restraints upon ourselves, which we may safely adopt,—that no force should be used to divest them of any just interest they possess, and that they should be liberally remunerated for all they may cede. We cannot be wrong while we adhere to there rules.

The discovery of the western continent by Columbus opened to the maritime states of Europe new prospects of gain. It is well known, that their first establishments were made with a view to commerce and to the collection of gold. The system of colonization was gradually introduced, as its advan-

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tages were foreseen or disclosed. At a very early period, so early in fact, that the principle itself must have existed in some shape or other in the public law of Europe, before the discovery,* it was assumed by all the nations prosecuting these voyages, that the first discoverer of unknown regions should be entitled to their permanent possession. And as has been well observed by Chancellor Kent, if this question were now open for discussion, 'the reasonableness of it might be strongly vindicated on broad principles of policy and justice, drawn from the right of discovery; from the sounder claims of agricultural settlers over those of hunters; and from the loose and frail, if not absurd title of wandering savages to an immense continent, evidently designed by Providence to be subdued and cultivated, and to become the residence of civilized nations.' †

There can be no doubt, and such are the views of the elementary writers upon the subject, that the Creator intended the earth should be reclaimed from a state of nature and cultivated; that the human race should spread over it, procuring from it the means of comfortable subsistence, and of increase and improvement. A tribe of wandering hunters, depending upon the chase for support, and deriving it from the forests, and rivers, and lakes, of an immense continent, have a very imperfect possession of the country over which they roam. That they are entitled to such supplies as may be necessary for their subsistence, and as they can procure, no one can justly question. But this right cannot be exclusive, unless the forests which shelter them are doomed to perpetual unproductiveness. Our forefathers, when they landed upon the shores of this continent, found it in a state of nature, traversed, but not occupied, by wandering hordes of barbarians, seeking a precarious subsistence, principally from the animals around them. They appropriated, as they well might do, a portion of this fair land to their own use, still leaving to their predecessors in occupation all that was needed, and more than was used by them.

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* In the commission granted to the Cabots in 1496, they are authorized to discover and take possession of countries *unknown to Christian people.* And in the famous bull of Pope Alexander the Sixth, by which he gives Ferdinand and Isabella the New World, he excepts what might have been in possession of some Christian power before 1493.

† Commentaries on American Law, Vol. III. p. 312.

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In the progress of society in the old world, no similar circumstances had existed to render necessary any inquiry into the relative rights and duties of a civilized and barbarous people, thus situated, or to settle the principles of intercommunication between them. The nations of Christendom agreed in the general assumption of sovereignty, and of the ultimate dominion of the soil, as the consequence of discovery; but their farther pretensions seem to have been a matter of internal policy, depending on the peculiar views of each power. 'The relations,' says Chief Justice Marshall, in delivering the opinion of the Supreme Court, in the case of Johnson *versus* McIntosh, 'which were to exist between the discoverer and the natives, were to be regulated by themselves. The rights thus acquired, no other power could interpose between.' Many subtile questions, arising out of these undefined and sometimes undefinable relations, have been agitated and warmly discussed. The controversy at Ghent, between our Commissioners and the British, wherein the latter endeavored to justify the interference of their government in the concerns of our Indians, by a resort to abstract principles and nice investigations into the natural rights of the parties, must be within the recollection of all our readers. The American ministers, by historical deductions, and by an appeal to the uniform pretensions and practice of the British, triumphantly repelled the new, and, we may add, most mischievous claim, then first advanced. They showed, and showed conclusively, that whatever was the relative situation of the United States, and of the aboriginal tribes inhabiting their territories, it was a question affecting the parties alone; and that all the nations of Christendom, holding colonies where any of the primitive race yet remain, had excluded, with jealous care, every other power from any interference in their affairs. And this rigid exclusion is founded in the necessary principles of self-defence, and in the facility with which the Indians yield to any persuasion or impression, coöperating with their innate love of war. Let this principle be once conceded, and its practical application established upon the borders, and the Indians taught to look across the frontier for counsel and assistance, and we may abandon all hope of tranquillity, until our power is effectually employed in breaking the connexion, and in bringing them back to their pristine relations.

The position occupied by the Indians is an anomaly in the political world, and the questions connected with it are emi-

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nently practical, depending upon peculiar circumstances, and changing with them. 'It is the law of the land,' says Chancellor Kent, speaking of the titles derived from conquest and discovery, 'and no court of justice can permit the right to be disturbed by speculative reasonings on abstract rights.' * 'We do not mean to say,' observes the Supreme Court of the State of New York, 'that the condition of the Indian tribes, at former and remote periods, has been that of subjects or citizens of this state. Their condition has been gradually changing, until they have lost every attribute of sovereignty, and become entirely dependent upon, and subject to, our government.' †

Our system of intercourse has resulted from our superiority in physical and moral power. 'The peculiar character and habits of the Indian nations, rendered them incapable of sustaining any other relation with the whites, than that of dependence and pupilage. There was no other way of dealing with them, than that of keeping them separate, subordinate, and dependent, with a guardian care thrown around them for their protection.' ‡ All this, and much more than this, is incontrovertible. They would not, or rather they could not, coalesce with the strangers who had come among them. There was no point of union between them. They were as wild, and fierce, and irreclaimable, as the animals, their co-tenants of the forests, who furnished them with food and clothing. What had they in common with the white man? Not his attachment to sedentary life; not his desire of accumulation; not his submission to law; not his moral principles, his intellectual acquirements, his religious opinions. Neither precept nor example, neither hopes nor fears, could induce them to examine, much less to adopt their improvements. The past and the future being alike disregarded, the present only employs their thoughts. They could not, therefore, become an integral part of the people who began to press upon them, as time and circumstances have elsewhere generally united the conquerors and the conquered, but still remained in juxtaposition, and in such circumstances as rendered inevitable a continued intercourse between them and their civilized neighbors. The result of all this was necessarily to compel the latter to prescribe, from

* Commentaries on American Law, Vol. III. p. 310.
† Johnson's Reports, Vol. XX. p. 193.
‡ Kent's Commentaries, Vol. III. p. 310.

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time to time, the principles which should regulate the intercourse between the parties; keeping in view the great objects to be attained for their mutual benefit,—that the propensity of the Indians for war should be checked, and themselves restrained within reasonable limits; that they should be protected in all their just rights, and secured from their own improvidence, as well as from the avarice of the whites; and that the territory should be occupied for permanent improvement, whenever it was necessary for the one party, and could be spared without injury by the other.

The nature of the title, by which the Indians held their lands, is not easily reconciled to the principles by which the tenures of this description of property are regulated among civilized nations. Mr Adams, in the argument of the cause of Fletcher and Peck, before the Supreme Court, describes it as 'mere occupancy for the purpose of hunting. It is not like our tenures; they have no idea of a title to the soil itself. It is overrun by them, rather than inhabited.'

In accordance with this view, the ultimate dominion of the soil was asserted, by the European powers, to attach to the sovereign making the discovery. 'Thus has our whole country been granted by the Crown, while in the occupation of the Indians. These grants purport to convey the soil, as well as the right of dominion, to the grantees.' 'It has never been objected to this, or any similar grant, that the title as well as possession, was in the Indians, and that it passed nothing on that account.'* A difference is however observable among different nations possessing colonies in America, in their practical application of this claim of soil as well as of jurisdiction. The French and Spanish, following up the principle of '*pupilage*' and guardianship, judged for themselves as well as for the Indians, when land was wanted by one party and could be spared by the other, and what consideration should be paid for the right of occupation. We find no evidence of any treaties of cession formed between them and the Indians, nor even of any important councils, where the subject might be discussed, and the formal assent of the possessors obtained. And if we look to the influence acquired by the French over the Indians, in every part of the continent where they pene-

* Opinion of the Supreme Court of the United States, Johnson *versus* McIntosh.—Wheaton's Reports, Vol. VIII. p. 579.

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trated, to the strong ties of friendship which connected them, and to the grateful recollection which is yet cherished of the French dominion, we shall be inclined to believe, that this system of acquisition could not be unsuitable to the condition of the parties. And it is our deliberate conviction, founded on some experience, that the Indians would have been at this day happier, and would have possessed far more useful and durable memorials of their sacrifices, had the government of the United States adopted a similar plan. We are prepared to expect, that many worthy and benevolent men will be shocked at a proposition, which would leave it to one party to judge what extent of territory should be yielded by the other, and what consideration should be allowed. This sentiment, so natural in cases of ordinary contracts, is the result of an entire misconception of the moral and intellectual attainments of the Indians. An artificial standard is established, and by this their claims to self-government and self-management are most erroneously adjusted. In the ordinary arrangements of an Indian treaty, the parties are placed in the relative condition of buyer and seller. Commissioners are appointed, charged with the interests of the United States, and instructed to procure a cession of land. These commissioners, feeling like other men for the wants and privations of the Indians, and commiserating their situation, are yet required by their duty to use all just and proper methods to effect the object of their mission. If the Indians, with the reckless improvidence which belongs to the savage character, demand a large portion of the consideration immediately, this demand must be granted; and stipulations must be inserted, of little permanent advantage to them. The commissioners occupy an arduous and responsible station. It is difficult for them to fix the value of the cession. As agents of one party, it is most natural they should endeavor to enlarge the extent of the purchase, and reduce the consideration demanded for it. But as the representatives of a powerful and intelligent nation, negotiating with a feeble, depressed, and ignorant remnant of the people, who once held the whole, and yet hold a portion of the country, they cannot disregard the just claims of such a people to protection and kindness. It is probable, as these views predominate at different treaties, that the stipulations in favor of the Indians are more or less liberal. And they would doubtless still oftener assume a decided character of liberality, were not the negotiators ap-

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prehensive, that their motives might be arraigned, and themselves accused of favoritism or extravagance.

But instead of this convocation of the Indians and this system of traffic, what a different scene would be presented, were Congress to investigate the necessity and circumstances of each proposed purchase, and decide the consideration which should be allowed, and the various stipulations for the protection and permanent advantage of the Indians. The discussion would take place before the nation, and the decision would be made in view of their responsibility to the public opinion of Christendom and to the judgment of posterity. Who doubts that such a process would be more just and humane, than the practice now pursued.

This practice, however, has been followed since the commencement of our national existence. Under the colonial authorities, councils were generally held by the agents of the government, at which the assent of the Indians was procured to the occupation of tracts of land, granted by the Crown. Formal treaties of cession, however, requiring the ratification of the sovereign authority, were not formed. These seem to have been introduced into the United States alone. And to their introduction may be attributed much of the difficulty which speculative men have encountered in their investigations of this subject. In the ardor of a mistaken benevolence, they have elevated these little Indian communities to an equality with the civilized governments under whose protection they live. That in relaxing the principles of intercourse which many other nations had adopted with the Indians, we have introduced a system difficult to reconcile with our preconceived notions, cannot be disputed. We negotiate treaties with them, and deny their right to enter into an alliance with any other power, or to convey their lands without the assent of our government. We pass laws to punish them for offences committed in their own country, and acknowledge their right to declare war and conclude peace. We regulate their trade, prohibit the sale of strong liquors to them, and its introduction into their country, interdict the passage of our citizens across the boundary, except for specified objects, and forbid and require many other acts to be done for their safety or our own. If we are asked to reconcile these apparent inconsistencies, with what may be termed the natural rights of the parties, or with the consequences which may be logically deduced from

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the premises, the answer is obvious. Such a reconcilement is unnecessary. The Indians themselves are an anomaly upon the face of the earth; and the relations, which have been established between them and the nations of Christendom, are equally anomalous. Their intercourse is regulated by practical principles, arising out of peculiar circumstances. Every nation has prohibited the interference of all others in these concerns, and each has assumed the right to restrain the Indians, whenever or wherever the necessary operation of their institutions, or their own licentious passions would endanger the safety of the bordering parties. From Cape Horn to Hudson's Bay, there is not an established government which has not practically acceded to this principle.

In the investigation of the rights secured to the Indians by the various treaties negotiated with them, it is important that a clear conception of the prior relations subsisting between the parties should be formed. When we find the words 'lands,' 'territory,' 'hunting grounds,' &c. used in these instruments, as descriptive of interests reserved or guarantied to the Indians, the extent of their operation must be ascertained by the principles previously or contemporaneously regulating the intercourse between them and us. No terms in these compacts could have been intended to convey the sovereignty of the territory, or the absolute dominion of the soil; for such improvident concessions would be equally inconsistent with all the legislation over them, recorded in our statute-books, and all the transactions with them recorded in our history, and with their own incapacity to protect their property from the efforts of the whites, or *themselves from themselves.* These are not questions of technical construction, to be settled by subtile arguments like too many of those in our own municipal law, but questions of fair and liberal interpretation, depending on the established rights and duties of the parties, and on their obvious intentions, deduced from the circumstances in which they were placed. These reservations and guaranties, whichever they may be, were designed to secure to the Indians their preëxisting rights, as they had enjoyed and we had acknowledged them; to secure to them the possession of their lands; that right of occupancy, which is compatible with their habits and pursuits, and with our immediate jurisdiction and ultimate domain. And this is the interest which was decided by the Supreme Court of the United States, in the case of

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Fletcher and Peck, to exist in the Indians, and to be consistent with the paramount claim asserted over them by the general and state governments. And it is not unworthy of remark, that this case was founded upon a grant of land, made by the state of Georgia before the extinction of the Indian title, which grant was ruled by the Court to convey such an interest to the party as would enable him to maintain a suit.

Our compacts with the Indians assume the form of solemn treaties, passing through the ordinary process of ratification. These are obligatory upon them and us, for all the purposes fairly inferable from them, and we trust they will never be violated. But because we have resorted to this method of adjusting some of the questions arising out of our intercourse with them, a speculative politician has no right to deduce from thence their claim to the attributes of sovereignty, with all its powers and duties; and to do many other acts, which would be as certainly reconcilable with the character of independence, as they would be inconsistent with their acknowledged relations to us, and numerous enactments of our own laws.

The qualified submission which we exact from them, yields to the strong claims of humanity, when by their own passions, or *external influence*, they are induced to attack our borders. We relax the stern principles of allegiance, which recognise no right in any person, subject to our jurisdiction and enjoying its protection, to take up arms against the government; and commiserating their inferiority in knowledge and in all the elements of prosperity, we consider them as enemies, and not as traitors; we summon them to the council-house, and not to the judgment-seat. Providence has placed them in contact with us, and with habits and feelings, which render their incorporation into our society impracticable. The sight of the war-flag, or the sound of the war-drum, operates instantly and intensely upon the warriors, and coinciding with their institutions and opinions, irresistibly impels them to war. And yet the merciful course of procedure towards them, which we have adopted, founded on these obvious motives, furnished the British Commissioners at Ghent with an argument to support the doctrine which they advocated, of absolute independence in our aboriginal tribes. These nogotiators were bewildered in metaphysical subtilties, and in the same spirit the general subject has lately been discussed in our own country. Principles are pushed to extremes, without recollecting that our su-

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pervising care and control over the Indians give us the right of conducting our intercourse with them, in such manner as may appear to us most conducive to the prosperity of both parties, and that the key to our law and practice will be found in the proposition stated by Chancellor Kent, that 'they are placed under our protection and subject to our coercion, so far as the public safety requires it, and no further.' *

A serious controversy, growing out of our relations with the Indians, has existed in the South for some years. Its progress has been observed with much anxiety in other portions of the union. We have no intention to enter into the consideration of any branch of the subject relating to the rights of the state of Georgia, or the duties of the United States, as deduced from the instrument of cession, by which that state granted her western territory to the general government. The object we have in view does not render this inquiry necessary.

But the situation of the four southern tribes, and more particularly of the Creeks and Cherokees, seems to demand a dispassionate examination; and the considerations connected with it are assuming a character of great importance, both to us and to them.

The pamphlet, the title of which is placed at the head of this article, contains a number of documents which we shall examine in the sequel. The most important are a *talk* from the President of the United States to the Creek Indians, and two letters from the Secretary of War, one to a delegation of the Cherokees, and another to the Secretary of the Society for the Emigration, Preservation, and Improvement of the Indians. These papers disclose the views of the executive branch of the government respecting the interesting topics connected with our Indian relations, which are forcing themselves upon the public attention, in the evidently approaching crisis of our Indian affairs.

The phraseology adopted in the talk of the President, evinces much tact, and just conceptions of the Indian mode of expression and communication. The figures are in strict accordance with Indian usage, deriving their strength from sensible objects, and appealing directly to the feelings of the Indians. The criticism, to be sure, is not worth much; but all

* Gordell *versus* Jackson. Court of Errors of New York.—Johnson's Reports, Vol. XX. p. 740.

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who have been in council with them, must have observed the happy effect sometimes produced by a lucky allusion; and considering the forced metaphors, which are *inflicted* upon us, as specimens of aboriginal eloquence, it is well, when we meet just examples of their manner of public address, to notice them.

But it is with the principles and purposes of this document, that our business lies. There is nothing diplomatic in its composition, for it is plain and direct in the views it takes, in the advice it offers, and in the purposes it avows.

The Indians are reminded of the difficulty of living in immediate contact with the white people in a state of harmony; and the diminution and destruction of their game, and consequent distress of their people, are brought to their notice. These are the two obvious topics to be pressed upon the consideration of the Indians, and are calculated, more than all others, to produce an effect upon them. The danger of collision, to which their present situation exposes them, is practically illustrated by a demand, in this very document, of the surrender of some of their people, who, not long since, murdered one of our citizens.

The President offers them a country beyond the Mississippi, to be guarantied to them by the United States, where there can be no interfering claim, and which they can possess 'as long as the grass grows or the water runs.' He also promises 'to protect them, to feed them, to shield them from all encroachment.' He informs them, that the state of Alabama has extended its laws over them, and that those who remain must submit to their operation, but that land will be assigned to them and their families in fee.

The letter of the Secretary of War to the Cherokee delegation, is in conformity with the views taken by the President; but the subject is more fully considered, and some topics are introduced, which are applicable to that tribe only.

This letter was in answer to a communication from the delegation, complaining that the state of Georgia had extended her laws over the tribe, and asserting an exemption from her jurisdiction, as well upon general principles as from the compacts and relations subsisting between them and the United States. In repelling this claim, the Secretary adverts to the alliance subsisting between them and the British government during our revolutionary war, and to the rights of sovereignty which, by the issue of that war, devolved upon the states of North

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Carolina and Georgia.* He contends, that the lenity which was shown to that tribe when conquered in war, gave them no rights which they did not previously possess, but left them merely the occupancy of the soil as they had enjoyed it under the British authority.

He then quotes some of the provisions of the treaty of Hopewell, by which the first war between them and the United States was terminated, and deduces from the nature and stipulations of the compact, and from general principles, the conclusion, that their rights were not enlarged, but merely secured by that instrument, and that the sovereignty and ultimate domain remained in the state governments. Our own view of this branch of the subject we have already given; and if the peculiar relations subsisting between us and the Indians are not to control and regulate the construction of our compacts with them, every Indian treaty is a virtual acknowledgment of their independence, and its conclusion with them a practical recognition of their right to all the attributes of sovereignty. If their claims to establish and maintain a government, and to possess the absolute title of the land, are deducible from the course of these negotiations, or from the general nature of the instruments themselves, we have in fact abandoned all just right to restrain or to coerce them. They are as independent as we are, and can come forward and take their stations among the nations of the earth. 'I know of no half-way doctrine on this subject. We have either an exclusive jurisdiction, pervading every part of the state, including the territory held by

* The view here taken is in strict conformity with the doctrine advanced by the Supreme Court of the United States, in the case of Johnson *versus* McIntosh.—Wheaton's Reports, Vol. VIII. p. 508.

'The British government,' says Chief Justice Marshall, 'which was then our government, and whose rights have passed to the United States, asserted a title to all the lands occupied by the Indians, within the chartered limits of the British colonies. It asserted also a limited sovereignty over them, and the exclusive right of extinguishing the title which occupancy gave them.' We presume, that by the term 'United States,' the Chief Justice did not refer to the confederated government merely, but to the states individually, as well as collectively. Some of the rights of the British government passed to the states in one capacity, and some in another. And whatever may be thought of the question, which once so seriously agitated the union, respecting the right to the soil of the western lands, no one ever doubted the claim of the individual states to the land lying within these reasonable and acknowledged chartered limits.

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these Indians, or we have no jurisdiction over them whilst acting within their reservations.' *

This is unquestionably the true view of the case. Our right of jurisdiction over them, founded upon the principles we have already discussed, and supported by our own practice, and by that of every nation which has extended its sway over them, is perfect. But in the exercise of this jurisdiction, a just regard is due to the relative situation of the parties, and unnecessary restraints should not be imposed upon the Indians. Of the extent and necessity, however, of these restraints, we must, from the nature of the case, be the judges. And our judgment must be pronounced with that responsibility to the public opinion of the present day, and of posterity, which forms the best security for the virtuous administration of national affairs; recollecting, that 'they are placed under our protection, and subject to our coercion, so far as public safety requires it, and no further.' † And the paramount authority must also determine the manner in which this jurisdiction shall be asserted; whether the principles to be enforced shall pass through the ordinary process of legislation, and be recorded in our statute-books, or whether they shall be submitted to, and approved by, both parties, and embodied in a treaty. We have followed each course, without any very obvious difference in the principles or objects, which sometimes appear as a municipal regulation, and sometimes as a conventional arrangement; while, we believe, all other nations adopt the '*Sic volo*,' in their communications with the aboriginal tribes. And as 'their condition is gradually changing,' ‡ the time is probably not far distant, when our practice must change, and when the legislatures must speak to them as they speak to our own citizens, in terms of authority.

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* Chief Justice Spencer. Supreme Court of New York.—Johnson's Reports, Vol. XX. p. 193.

† Chancellor Kent, *ut supra*. The learned commentator, by the expression 'public safety,' did not mean to restrict this right of interference to cases involving actual danger. For we should then be left, and so would the British government, which has adopted the same course, without any justification for our laws regulating trade and intercourse with them, for the restrictions upon their power to convey their lands, and for many disabilities, or, more truly, protections, found in our statute-books. The permanent interest of both parties must be the measure of this 'public safety.'

‡ Chief Justice Spencer, *ut supra*.

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But we must return to the letter which we have had under examination. The Secretary, after alluding to the rights acquired by Georgia under the cession of 1802, proceeds to consider the claim of the Indians, as expressed by themselves, to be 'unshackled' by 'the laws of the individual states, because independent of them.' And after showing the fallacy of the proposition, he states very forcibly the disastrous consequences of an interference by the President to stay the exercise of jurisdiction by the state of Georgia, even if her claim were a doubtful one. The question would be one admitting no common arbiter, and the delegation is emphatically told, that 'the President cannot and will not beguile them with such an expectation. The arms of this country cannot and will not be employed to stay any state of this union from the exercise of those legitimate powers which attach and belong to their sovereign character.' Whatever may be thought of the view of this question taken by the government, the frankness of the reply is worthy of praise. Nothing is concealed, and nothing left to conjecture. The Secretary then assures them, that the United States will afford them protection, and secure to them the occupation of their soil; that 'this is demanded by justice, and will not be withheld;' but that in 'doing this, the right of permitting to them the enjoyment of a separate government within the limits of a state, and of denying the exercise of sovereignty to that state, within her own limits, cannot be admitted.'

The subject of a removal from their present residence, and an establishment in the trans-Mississippian regions, is then introduced, and the considerations in favor of the measure are ably urged. We quote the following portions of the letter, because the views which are taken are practical and just, and are enforced in a spirit of kindness and humanity.

'The President desires me to say, that the feelings entertained by him towards your people, are of the most friendly kind; and that in the intercourse heretofore, in past times, so frequently had with the chiefs of your nation, he failed not to warn them of the consequences which would result to them from residing within the limits of sovereign states. He holds to them now no other language than that which he has heretofore employed, and in doing so, feels convinced, that he is pointing out that course, which humanity and a just regard for the interest of the Indians will be found to sanction. In the view entertained by him of this

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important matter, there is but a single alternative,—to yield to the operation of those laws, which Georgia claims and has a right to extend throughout her own limits, or to remove, and by associating with your brothers beyond the Mississippi, to become again united as one nation, carrying along with you that protection which, there situated, it will be in the power of the government to extend. The Indians being thus brought together, at a distance from their white brothers, will be relieved from very many of those interruptions which, situated as they are at present, are without a remedy. The government of the United States will then be able to exercise over them a paternal and superintending care, to happier advantage; to stay encroachments, and preserve them in peace and amity with each other; while with the aid of schools, a hope may be indulged, that ere long industry and refinement will take the place of those wandering habits now so peculiar to the Indian character, the tendency of which is to impede them in their march to civilization.'

The delegation is then informed, that instructions had been given to remove from their lands certain persons, who had intruded upon them, and of whom they had complained.

The letter addressed by the Secretary of War to the Secretary of the Society for the Emigration, Preservation, and Improvement of the Indians, contains the same general views upon these topics as the preceding letter; with some difference, however, in the argument and illustrations, and an unequivocal disavowal of any intention on the part of the President to effect the removal of the Indians by compulsory measures. The appeal to the law and practice of other states, is strongly put, and the *reductio ad absurdum* clearly stated.

'From the conversations had with the President, recently and formally, on the subject of the Indians, I am satisfied, that no man in the country entertains towards them better feelings, or has a stronger desire to see them placed in that condition which may conduce to their advancement and happiness. But to encourage them to the idea, that within the confines of a state, they may exercise all the forms and requisites of a government, fashioned to their own condition and necessities, he does not consider can be advantageous to them, or that the exercise of such a right can be properly conceded. What would the authorities of the state of New York say to an attempt on the part of the Six Nations, to establish within her limits a separate and independent government; and yet their authority to do so would be as undeniable as that of the Creeks or Cherokees, within the territory of Georgia or Alabama. Would they agree,

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that the Indian law of retaliation on the next of kin should be enforced, for the accidental killing of one of their own tribe ? * Or that nothing of trade and commerce by her citizens should take place within their limits, except in conformity to the provisions of their municipal code ? Would they consent to have their citizens rendered liable to be arraigned at the bar of an Indian court of justice, and to have meted out to them the penalties of their criminal code ? It is obvious that no state in the union would grant such authority. Concede, however, that these Indians are entitled to be considered sovereign within their own limits, and you concede everything else as matter of consequence. Admit the principle, and all is admitted.'

We have considered these able and interesting documents at some length, because they furnish the first disclosures, which have been publicly made by the executive department of the government, of its general views of the principles and policy of our Indian intercourse, since the message of Mr Monroe to Congress in 1825, communicating his sentiments upon the same subject. They are therefore important state-papers; and the doctrine maintained, and the purposes avowed, are well worthy of an impartial examination.

Three distinct propositions are deducible from these documents.

1. A direct avowal of the right of the individual states to assert and exercise jurisdiction over the Indians living within their limits, and an explicit declaration, that the general government will not interfere to prevent the exercise of this authority.

2. A conviction that the best interests of the Indians require their removal beyond the Mississippi, where only they can expect to increase and improve, and the advice of the President to them to adopt this course without delay ; in which case a suitable country will be assigned and guarantied to them, and the necessary aid furnished by the United States to enable them to remove, and to establish themselves comfortably in their new residence.

* Let the Supreme Court of the state of New York answer this apposite question. 'This statute not only asserts the exclusive jurisdiction of this state over all crimes or offences committed within the Indian reservations, but it expressly *negates* any jurisdiction to the Indian tribes to take cognizance of offences committed therein, even by those of their own tribe.'—Johnson's Reports, Vol. XX. p. 192.

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3. A solemn assurance, that no force will be employed to effect their removal, and that those who decline to remove will be suffered to remain upon their lands, and protected in their right of occupation. To which may be added, that land may be laid off in fee to such families as remain, and as, we presume, may wish to receive it.

Such are the views of the American government upon this interesting topic. It is evident, from many circumstances, that the time has arrived, when some change is necessary in this branch of our policy. The public mind in our own country is agitated by the doubts and difficulties attending it; and the Indians themselves seem aware, that their fate must, ere long, be finally decided. If the subject is considered in a spirit of wisdom and moderation, that decision may lead to their ultimate prosperity.

As we have already touched incidentally upon the rights and duties of civilized states, in their intercourse with savage tribes residing within their borders, we shall not enter into a formal discussion of the subject. After a few remarks upon the general question, a reference to some authorities, and an appeal to some examples, we shall dismiss the topic.

The relations which the nations of the world bear to one another, have been deduced from general principles of expediency and natural law; discussed and illustrated by learned and able men; settled by the practice of many ages, and acquiesced in by all the governments, sufficiently advanced in knowledge and improvement to comprehend the subject and estimate its importance. Their attitude is that of entire independence, acknowledging no superiority and applying to no common arbiter. In all disputes which arise, the subject is discussed upon general principles of reason and international law; and few claims are now made or resisted, for which plausible arguments cannot be advanced by each party. If these discussions are unsuccessful, war must follow; for, as is observed by the Secretary of War, the 'sword is the alone arbiter in any community, where questions of adverse sovereignty and power are to be settled.' In the actual condition, however, of civilized states, powerful restraints are imposed upon any disposition which may exist to appeal with too much facility from reason to force. These are found in the moral sentiments of all rulers, in the acknowledged obligation of public law, in the efficacy of public opinion, in the certain in-

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jury and uncertain issue of war, and to these we may add, among the nations of Christendom, the influence of the Christian religion. It is fortunate for the peace of mankind, that the general progress of improvement and diffusion of knowledge, which are now taking place, will extend the obligation of these causes, and add vigor to their operation. But there are barbarous tribes in the world, who do not feel the force of these restraints, who have neither religion nor morality, neither public opinion nor public law, to check their propensity for war; whose code requires them to murder, and not to subdue; to plunder and devastate, and not to secure. Are such tribes to be admitted into the community of nations, ignorant of everything but their own barbarous practices, and utterly regardless of their own promises, and of any higher obligations? While they occupy distant islands, or remain insulated amid the forests of an immense continent, the question is purely speculative. But when they approach a civilized region, or a civilized region approaches them, it assumes a character of great importance; and a just regard to their own safety requires the people thus brought into contact with them, to investigate and settle the principles of intercommunication. Such is and has long been the situation of the European colonies planted in America, and of the independent states which have arisen from them.

From the commencement of these settlements, a rude and barbarous people were around them and among them; a people whose only business was war and hunting; who acted from impulse more than from reason; whose customs required blood for blood, injury for injury, without looking to the intention of the party; who could not feel the obligation of general principles, nor engage in their discussion; who had no governments to guide or control them, no laws to restrain them, no officers to punish them; who had no permanent, settled residence, where they could be found, nor any property to defend; whose institutions irresistibly impelled them to war; whose young men were despised, until they had shed the blood of an enemy, and whose old men were disregarded when too feeble to pursue that enemy; who, in all their intercourse with the whites, seem to be actuated only by a fear of consequences, or by the hope of obtaining some advantage;—and it is our decided conviction, that these are the ruling motives which influence their conduct.

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It is evident, that two such races cannot exist in contact, independent of each other. Their wars would soon come to be wars of extermination; or the civilized power, gaining the ascendency due to superiority in arms, intelligence, and improvement, would exercise a wholesome restraint over the conduct, and a general supervision over the concerns, of their barbarous neighbors. A jurisdiction of this nature is essential to the safety of both, and its extent must be determined by those who are called to exercise it. Acknowledging the force of these principles, and acting in conformity with them, we have already seen, that the various European nations, possessing colonies in America, have assumed complete authority over the aboriginal tribes remaining within their limits. And can it be doubted, if one of these tribes were placed upon the continent of Europe, that some of the surrounding powers would take it under their protection, and exercise a general superintendence over it? And this, without their consent, or even against it, but 'from the necessity of the case.' Thus, without going back to the question of right derived from conquest or discovery, or resorting to the received doctrine respecting the duty of cultivating the earth, it is enough for our present view, that we are here; and that, whether the original system of colonization were right or wrong, a just regard to the safety of both requires, that we should govern and they obey.

This general right of control is not subject to the artificial rules of construction already referred to, which too often defeat the wholesome operation of municipal law. It depends upon higher principles, and appeals to the moral sense of mankind. It is founded in what is termed, by the writers upon the law of nations, 'the right of security.' 'A nation may even,' says Vattel, speaking of the consequences of this right, 'if necessary, put the aggressor out of the condition to injure him. He makes use of his right in all these measures, when guided by reason.' * No candid man can look back upon the history of the Indians, or survey their habits, character, and institutions, without being sensible, that they are 'a nation of a restless and mischievous disposition,' and that 'all have a right to join in order to repress, chastise, and put it ever after out of its power to injure them.'

Nor can it be objected to the practical application of this

* 2 Vattel, Book ii. Chapter 4.

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doctrine, that the Indians have improved in their manners and morals, and are now less disposed than formerly to molest our frontiers. Some of the most unprovoked aggressions and atrocious barbarities have been committed within a few years; and nothing but the absence of foreign aid, and the impression of our strength, prevents the renewal of the scenes at Fort Mimms, at the Maumee, and at the River Raisin.

The elementary writers of Europe have frequently discussed the questions of the relative rights and duties of civilized and savage nations, to which the discovery of the New World has given rise. And their conclusions are in conformity with the view we have presented. 'Vattel had just notions of the value of these aboriginal rights of savages, and of the true principles of natural law in relation to them. He observes, that the cultivation of the soil was an obligation imposed by nature upon mankind, and that the human race could not well subsist or greatly multiply, if rude tribes, which had not advanced from the hunter state, were entitled to claim and retain all the boundless forests through which they might wander. If such people will usurp more territory than they can subdue and cultivate, they have no right to complain, if a nation of cultivators puts in a claim for a part. Though the conquest of the half-civilized empires of Mexico and Peru was a palpable usurpation, and an act of atrocious injustice, the establishment of the French and English colonies in North America was entirely lawful; and the colonists have not deviated from the precepts of the law of nature, in confining the natives within narrower limits.' *

The same general doctrine, variously illustrated and modified, will be found in the works to which we have referred in the margin. Any of our readers, who are disposed to pursue this investigation farther, will meet with an ample field for their research in the consideration of this subject, and of the authors who have discussed it. †

In the case before referred to, of Johnson *versus* McIntosh,

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* Kent's Commentaries, Vol. III. p. 313, 314.

† Penn *versus* Lord Baltimore, 1 Vesey, 445.—2 Rutherford's Institutes, 29.—Locke on Government, Book ii. Chapter 7, Sections 87, 89. Chapter xii. Section 143. Chapter ix. Sections 123, 130.—Jefferson's Notes, 126.—Colden's History of the Five Nations, 2–16.—Smith's History of New York, 35–41.—Montesquieu, Esprit des Lois, l. xviii. Chapters 11, 12, 13.—Smith's Wealth of Nations, Book v. Chapter 1.—Martens' Law of Nations, 67, 69.

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in the Supreme Court of the United States, the Chief Justice says, that 'the United States then have unequivocally acceded to that great and broad rule by which its civilized inhabitants now hold this country. They hold, and assert in themselves, the title by which it was acquired. They maintain, as all others have maintained, that discovery gave an exclusive right to extinguish the Indian title by occupancy, either by purchase or by conquest, and *gave also a right to such a degree of sovereignty, as the circumstances of the people would allow them to exercise.*' *

And again, 'But the tribes of Indians inhabiting this country were fierce savages, whose occupation was war, and whose subsistence was chiefly drawn from the forest. To leave them in possession of their country, was to leave the country a wilderness; to govern them as a distinct people was impossible, because they were as brave and as high-spirited as they were fierce, and they were ready to repel by arms every attempt on their independence. What was the inevitable consequence of this state of things? The Europeans were under the necessity, either of abandoning the country and relinquishing their pompous claims to it; or of enforcing those claims by the sword, and by the adoption of principles adapted to the condition of a people with whom it was impossible to mix, and who could not be governed as a distinct society; or of remaining in their neighborhood, and exposing themselves to the perpetual hazard of being massacred. Frequent and bloody wars, in which the whites were not always the aggressors, ensued.' †

'For a long succession of years,' says the Supreme Court of New York, 'we have exercised an entire supremacy over all the tribes within the state, and have regulated by law their internal concerns, their contracts, and their property.' ‡

But leaving these views, founded upon principle and authority, let us inquire into the actual relations which have been established between the colonies and states of European descent, and the aboriginal tribes. And we believe it will be found, that no doubts have heretofore existed, respecting the extent of the jurisdiction they *could* exercise. The only doubt has been, how far expediency and discretion required, that jurisdiction *should* be exercised.

France, as we have already stated, never suffered her au-

* Wheaton's Reports, Vol. VIII. p. 587. † Idem, p. 590.
‡ Johnson's Reports, Vol. XX. p. 193.

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thority to be controlled or questioned by the Indian tribes. Her laws and ordinances penetrated every part of her empire in America, and the extent of their operation was only determined by the sovereign power.

Spain, as is well known, assumed an entire jurisdiction over the savages occupying the country she acquired by conquest or discovery.

'In America every Indian is either an immediate vassal of the crown, or depends upon some subject, to whom the district, in which he resides, has been granted for a limited time, under the denomination of an *encomienda*.' *

'For the farther relief of men so much exposed to oppression, the Spanish Court has appropriated an officer in every district, with the title of Protector of the Indians. It is his function, as the name implies, to assert the rights of the Indians; to appear as their defender in the courts of justice; and by the interposition of his authority, to set bounds to the encroachments and exactions of his countrymen.' †

We need not go back to our colonial history, to discover the maxims of British policy upon this subject. From one end of her empire to the other, the acts of her Parliament are supreme, and all other authority bows before them. How far that nation has extended its authority over the territories of the Indians, will be seen by the following section of an act of the thirty-first of George the Third, passed August 11, 1803.

'That from and after the passing of this act, all offences committed within any of the Indian territories, or parts of America, not within the limits of either of the said Provinces of Lower or Upper Canada, or of any civil government of the United States of America, shall be, and shall be deemed to be, offences of the same nature, and shall be tried in the same manner, and subject to the same punishment, as if the same had been committed within the provinces of Lower or Upper Canada.'

The third section provides for the appointment of persons to issue process into any of the Indian territories, and authorizes the apprehension and conveyance to Lower Canada for trial, of any one guilty of any offence in said territories.

We imagine it would be difficult for Georgia or Alabama to pass a more comprehensive law than this, or one assuming more absolute jurisdiction.

* Robertson's History of America, Book viii. † Idem.

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The United States have provided, by municipal regulations, the mode in which trade shall be carried on in the Indian country, in which ardent spirits shall be excluded, trespasses punished, and horses purchased. Disabilities are imposed and securities are provided, evincing alike the opinion of Congress, that they possess jurisdiction over the Indian country, and that it was expedient to exercise it. Among the most important of the latter is the clause which creates a presumption in favor of an Indian who has ever been in possession of any property, the right of which is in dispute between him and a white man. The provision also, disabling Indians from selling clothing, cooking or farming utensils, arms, &c. is in fact an important protection. The military force is authorized to aid in the apprehension of offenders.

Who doubts that the authority which could enact the following clause, could embrace within its operation the whole 'life and conversation' of the Indians, did policy or necessity require it? It is a statute of the United States, and declares, 'that if any Indian, or other person or persons, shall, within the United States, or within any town, district, or territory, belonging to any nation or nations of Indians, commit any crime, offence, or misdemeanor, &c. he shall be punished, &c. Provided that no treaty stipulation shall be affected, and that the act shall not extend to any offence committed by one Indian against another within the Indian boundary.'

Connecticut, as early as 1669, extended the punishment for murder to all Indians living within the state; and in 1675, made it penal for any Indian to be drunk. In 1717, the civil authority is required to make the Indians acquainted with the laws of the state for the punishment of such immoralities as they may be guilty of, 'and make them sensible, that they are liable to the penalties, in case they transgress the laws.'

New York, as we have seen, has expressly taken from her Indian tribes all right to try and punish their own people, and has extended her criminal code over them, and rendered them responsible to her courts, declaring, that 'the sole and exclusive cognizance of all crimes and offences committed within this state, belongs of right to the courts holden under the constitution and laws thereof, as a necessary attribute of sovereignty.'*

* Johnson's Reports, Vol. XX. p. 192.

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We may safely deduce, from this cursory examination, the general principle, that civilized states have a right to extend their jurisdiction over tribes of savages living within their limits; and that in the practical application of this principle, the usage has varied from an absolute jurisdiction, leaving no distinction between Indians and other citizens and subjects, to that general supervision exercised by the United States over the more remote tribes, which leaves in full vigor all their institutions. Each state must judge for itself, how much of this authority it will relinquish or retain.

Our peculiar form of government presents for consideration one question, which cannot exist in a monarchy or in a consolidated republic. Is the jurisdiction, which we may be called upon to exercise over the Indian tribes, to be assumed by the authorities of the confederation, or of the state, within which such tribes reside? It is a question growing out of our own municipal institutions, to be determined by ourselves, in which other nations have no right to interfere, and the decision of which can give no just cause of complaint to the Indians.

We have seen that the executive department of the Union has conceded the existence of this right in the state governments, and we think a few observations will be sufficient to show, that it is a concession demanded by the principles of our government, and by the usage which has prevailed among many of the members of the confederation. In the consideration of questions involving the powers of Congress and of the state legislatures, one principle of construction seems firmly established; that the latter possess all the legislative authority which is not withheld from them, and that the former possess none which is not granted to them. The power of the states, *ex vi termini*, extends over all the persons and objects within the boundaries of the states. This power, in the words of the statute of New York already referred to, is '*a necessary attribute of sovereignty.*' Has that portion of it, which operates upon the Indians, been granted to the general government? To the constitution of the general government we must look for the resolution of this question. And the only provision we there find, relating to the Indians, is the third clause of the eighth section, which grants to Congress the power 'to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.' Certainly this is too narrow a foundation upon which to erect so broad a superstruc-

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ture, as that which would include within it the whole of the concerns of the Indians. The regulation of commerce can by no fair interpretation include, within the sphere of its operation, all the acts and duties of life, and thus confer the power of exclusive legislation. And the less so, as the same clause extends this power of regulating commerce to the intercourse with foreign nations, and among the several states; over the former of which Congress can have no legislative power, and over the latter a legislative power in certain specified cases only.

To the general government is also given authority to 'make all needful rules and regulations respecting the *territory*, or other property belonging to the United States.' But this power has no necessary connexion with the usual process of legislation. The jurisdiction over the territory may be in the states, and the power to dispose of it in the United States. And such, in fact, is the operation of this clause.

Congress regulate as they please the disposal of the public lands, punish trespasses upon them, and have created a system for their survey and sale and settlement. But the persons living upon these lands, before their sale, are subject, as well as afterwards, to the jurisdiction of the states within which they lie.

We are aware, that the treaty-making power may affect this branch of the inquiry. Treaties have been formed by the United States with most of the Indian tribes, and it is now too late to call in question their obligation, or the power of the government to conclude them; although it is difficult to point to any provision of the Constitution, which expressly or necessarily grants this power. The practice had prevailed under the Confederation, where the grant of power, relating to the Indians, was more comprehensive than in the Constitution. Instead of regulating commerce only, it conferred upon Congress the power of 'regulating the trade and management of *all affairs* with the Indians, not members of any of the states, provided that the legislative right of any state within its own limits be not injured or violated.'

And this practice was probably continued by the new government, from a conviction of its utility, and from the relations of peace and war, which were allowed to exist between the United States and the Indian tribes. It is another of the anomalies, of which the general subject is so fruitful. If it

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were a question now to be agitated for the first time, the decision would probably be adverse to the exercise of the power. But we consider it as settled by this practical exposition, and that all the rights, secured to the Indians by these treaties, are beyond the reach of any difference of opinion, which may exist among ourselves, concerning the relative power of the various parties to our government. And if, in these compacts, any pledge has been given, that the Indians shall be exempt from the legislative authority of the states within which they live, we have only to submit to an improvident stipulation, and leave them free, whatever be the consequences. But such an assurance cannot be found. The possession of their lands is guarantied to them, and this guarantee the President has avowed his determination to respect. It will be, we have no doubt, respected by the state governments.

We have cursorily examined the statutes of Rhode Island, Connecticut, New York, Pennsylvania, and Virginia, and in each of these we find laws passed to restrain or protect the Indians, founded upon the general sovereignty of the states, and upon their assumption of jurisdiction over these persons and their property. Such laws may exist in all the states. We have not been able to extend the inquiry farther.

This question of jurisdiction over the Indian tribes is now, for the first time, seriously agitated. Heretofore, no one among them, or for them, has denied the obligation of any law passed to protect or restrain them. But new circumstances have intervened, and new pretensions are advanced. A government *de facto* has been organized within the limits of the state of Georgia, claiming legislative, executive, and judicial powers, and all the essential *attributes of sovereignty*, independent of that state.

The establishment of this government, thus claiming to be independent, and the probability, that a similar policy will be adopted by the other southern tribes, by which means they may become permanently established in their present possessions, necessarily presents to the states, within whose limits they reside, a serious question for consideration. It is evident, that if this pretension be not resisted now, resistance hereafter will be in vain. It is one of those questions, eminently practical, which a few years' acquiescence would settle. What might now be the assertion of a just and proper jurisdiction by the civilized communities, might then be an unjust claim, to be enforced only by war and conquest.

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We have already expressed our convictions, founded on some knowledge of the Indian character, and of the efforts which have been formerly and recently made to change their condition and institutions, that so long as they retain positions surrounded by our citizens, these efforts will be unproductive, and that the Indians themselves will decline in numbers, morals, and happiness. If 'these things are so,' no just views of policy or humanity, require on their part the assertion of such a right, or the acknowledgment of it on ours. A false conception of their own interest, or a temporary excitement, which may have operated on some of their influential men, and led to the present state of things, ought not to affect our views or decision. This demand is now made, for the first time, since the discovery of the continent. Writers upon natural law, courts of high character and jurisdiction, the practice of other nations, are all adverse to it. We can discern no advantages which either party can reasonably anticipate from such a measure.

There can be none to the Indians; for if they are anxious and prepared for a stable government, which shall protect all and encourage all, such governments they will find in the states where they reside. What has a Cherokee to fear from the operation of the laws of Georgia? If he has advanced in knowledge and improvement, as many sanguine persons believe and represent, he will find these laws more just, better administered, and far more equal in their operation, than the *regulations* which the chiefs have established and are enforcing. What Indian has ever been injured by the laws of any state? We ask the question without any fear of the answer. If these Indians are too ignorant and barbarous to submit to the state laws, or duly estimate their value, they are too ignorant and barbarous to establish and maintain a government which shall protect its own citizens, and preserve the necessary relations and intercourse with its neighbors. And if there are any serious practical objection to the operation of these laws, growing out of the state of society among the Indians, it would be easy for the state authorities to make such changes and interpose such securities as would protect them now, and lead them hereafter, if anything can lead them, to a full participation in political rights.

New York has acted upon this principle, in authorizing the Brothertown Indians to hold town meetings and elect town

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officers. No doubt can exist of the disposition of the state legislatures thus to accommodate their laws to the actual condition of the Indians. And in fact it is the criminal and not the civil code, from which they have anything to fear. The former extends to them all, and at all times, and in its process, its prohibitions, and its punishments, introduces regulations utterly at variance with all they have seen, or heard, or believed. The rights and remedies, secured and provided by the civil code, would affect them less, as they have little for them to operate upon, and the obligation of a promise is not wholly unknown to them. But the experiment has already been made, in many of the states, of extending over them the action of the criminal laws, and, as we have seen, the general government has done the same, through the whole vast extent of the Indian country, however rude or barbarous may be the tribes inhabiting it, in all cases where an injury has been committed against a white man. We have yet to learn, that any injustice has resulted from this legislation.

But if it is difficult to perceive the advantages which the Indian tribes would derive from these independent governments, it is not difficult to foresee the mischiefs they would produce to the states and people, within whose limits they might be formed.

The progress of improvement would be checked. Extensive tracts of land would be held by the Indians in a state of nature. The continuity of settlements, and the communication between them, would be interrupted. Fugitives from labor and justice would seek shelter, and sometimes find it, in these little sovereignties. Questions of conflicting jurisdiction would frequently occur, not easy to be determined; for in vain might we search for principle, analogy, or precedent, by which to adjust them. There is already enough of the *imperium in imperio* in our government. Another wheel is not wanted, to render the machinery still more complicated. In the whole extent of Christendom, can a single instance be produced, where a state has voluntarily permitted, within its acknowledged boundaries, the establishment of a government, independent of, and unconnected with its own? Faithless to themselves would be those states interested in this subject, and regardless of their duties of 'self-preservation,' which, Vattel says, are obligatory upon all nations, were they to assent expressly, or by implication, to these demands.

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But in the firm assertion of their rights, it becomes them cautiously and tenderly to approach this subject. The character of our country is involved in it. Many excellent men believe, that the Indians have advanced, and are advancing in knowledge and improvement, and that they have both the right and ability to reorganize their political institutions, and assume a station which shall be coequal with the state governments. Erroneous as such an opinion is, both in principle and policy, still something is due to the feelings and motives of those who entertain it. In the practical assertion of jurisdiction, which circumstances now require some of the state governments to make, their authorities will no doubt accommodate their measures to the helpless, defenceless, and sometimes, we fear, hopeless condition of the Indians; taking care that such checks and limitations are imposed, as their ignorance and the superior intelligence of the whites may render necessary.

Impressed with the conviction, that a removal from their present position and from the vicinity of our settlements, to the regions beyond the Mississippi, can alone preserve from final extinction the remnant of our aboriginal population, a number of benevolent men have associated themselves, and established a society under the appellation of 'The Indian Board, for the Emigration, Preservation, and Improvement of the Aborigines of America,' the objects of which are distinctly indicated by this title. The Society avows its intention to 'afford to the emigrant Indians all the necessary instruction in the arts of life and the duties of religion,' and pledges itself 'to coöperate with the federal government of the United States in its operations on Indian affairs, and at no time to contravene its laws.' The constitution and first proceedings of the society are contained in the pamphlet named at the head of this article; and the same pamphlet contains also an address from Colonel McKenney to the Society, and a letter from that gentleman to Mr Evarts, in both of which the general subject of Indian emigration is considered, and in the latter the peculiar circumstances of the Southern tribes are stated and explained.

Colonel McKenney's investigations into the condition of the Indians, and into the causes which have obstructed their advancement in civilization and religion, and have counteracted our efforts to improve them, are just and striking, and evince an intimate knowledge of their character and disposition.

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'Need I stop to demonstrate,' he observes, 'how utterly impracticable it is, to remodel the Indian character, and fashion it after the civilized form, situated as those tribes are within our states? Where is the example of a single transformation in a tribe, of this sort? I know of not one. But I know of many, in which, even amidst efforts the most untiring, the Indians have (although individuals have profited) disappeared; until, now, many of our states, that once swarmed with an Indian population, contain not a vestige of one. Whence comes this decay and final disappearing of the red before the white man? It comes not of the color, nor of physical nor moral malformation, nor of destiny, —but from causes the most natural, which a change in our relations to each other would work, even upon us. The elements may all be found to be in the intellectual, moral, political, and social relations which exist between them and us.'

In his Address to the society, Colonel McKenney takes a rapid glance at the efforts which have been made to meliorate the condition of the Indians. He does justice to the ardent zeal and untiring labor of 'the Eliots, the Mayhews, and Brainerds, and Kirklands,' and all who, before our day and in our day, have devoted themselves or their treasure to this holy work. He also does justice to the result of these efforts, when he describes them as unavailing and unproductive; having no permanent effect, and leaving no permanent memorial. His analysis of the moral and physical obstacles which have prevented success, corresponds with the view we have already presented. They are found in the recesses of the human heart, and in the external circumstances which have moulded the character of the Indian, and taught him to walk through his own world of forest and game, satisfied with himself, and dreading no evil but a change in his condition. The following considerations are stated with fairness and candor.

'That men, and good men, should differ in their views of what ought to be done for the preservation and improvement of our Indians, is natural. We know there are men, and good men, who are opposed to the emigration of the Indians. We respect them and their motives. They seek to save and civilize these people. We profess to aim at the accomplishment of the same end, and differ only as to the mode. We once entertained similar views of this question with them, and thought it practicable to preserve and elevate the character of our Indians, even in their present anomalous relations to the states, but it was "distance that lent

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enchantment to the view." We have since seen for ourselves, and that which before looked like flying clouds, we found, on a nearer approach, to be impassable mountains. We believe, if the Indians do not emigrate, and fly the causes which are fixed in themselves, and which have proved so destructive in the past, *they must perish.* We might distrust our own conclusions, though derived from personal investigation, did not experience confirm them. But alas! it is the admonition of experience, more than anything else, that claims and urges us to employ all honorable means to persuade these hapless people to acquiesce in the policy which is proposed to them.'

Colonel McKenney discloses some important facts, which would justify the interposition of the government to secure to individuals in the various tribes, disposed to emigrate, their own choice, unawed and uninfluenced.

'We esteem it to be our duty, on this occasion, to correct an error which has obtained in regard to this business of emigration. It seems to be thought by some, that the Indians are opposed to removal, and that force is meditated to be employed to compel them to go. In regard to the disposition of the *great body* of the Indians within our states, we speak advisedly when we say, they are *anxious to remove.* The present excitement is occasioned, in great part, by the opposition of those persons, whose interest it is to keep the Indians where they are. Protection has actually been sought of the government by those who wish to better their destiny, against the threats of others, in which an enrolment for emigration has been forbidden on pain of death. This may be received as the real state of the case, obtained in good part by us on personal opportunities, and from official information, confirming our observation and experience. In regard to the employment of force, to drive the Indians from the country they inhabit, so far from this being correct, they have been told by the Executive, in one of the documents read to you to-night, that if they choose to remain, they shall be protected in all their rights.'

The plan for their removal, establishment, and gradual improvement, sketched by Colonel McKenney, is just to ourselves, and liberal to them; offering a fair exchange of property, insuring present subsistence and future support, and holding out rational prospects of melioration in their external circumstances and their moral relations.

'It is proposed in the first place to give them a country, and to secure it to them by the most ample and solemn sanctions, suitable in all respects, in exchange for theirs; to pay them for all their improvements, and see them, free of cost, to their new

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homes; to aid them after their arrival, and protect them; to put over them at once the frame-work of a government, and to fill this up, as their advancement in civilization may require it; to establish schools over their country, for the enlightening of the rising generation, and give them the gospel. In fine, it is proposed to place them in a territorial relation to us in all respects, and in the enjoyment of all the privileges consequent upon such a relation, civil, political, and religious. Thus will they attain an elevation to which, in their present relations, they can never aspire. And then would new influences be created, ennobling in their tendencies, and animating in their effects. Under these the Indian would rise to the distinction to which he has always been a stranger, and live and act, with reference to the corresponding honors and benefits of such a state.'

Those who have regarded with deep interest the condition of the Indians, and who doubt the issue of any attempt to save them upon their present reservations, have looked with much anxiety to the country west of the states and territories beyond the Mississippi, for a land of refuge, where this unhappy race may find rest and safety. Their misfortunes have been the consequence of a state of things which could not be controlled by them or us. Planted, as our ancestors were, in the course of Providence, upon the skirts of a boundless forest, they gradually subdued it by toil and industry. Year after year, the cultivated border advanced, bearing before it the primitive people, who would not mingle with their invaders, and who could not stop their progress. The decree had gone forth, that the race of pale men should *increase and multiply*, and they did *increase and multiply*. Who, that looks upon human life as it is, could expect, that superiority in arts, in arms, in intelligence, in all the elements of physical and moral power, would not elevate the one party and depress the other; and that this elevation and depression, rendered still more obvious by characteristic differences, could not produce the results which history has recorded? And who, under such circumstances, would impeach the motives or conduct of the adventurers or their descendants, because the people, who preceded them, disappeared or receded before the circle of civilization? Not the nations of Christendom, for they sent out their colonies to take possession of the new-found world, and to supplant its primitive inhabitants. Not the government or people of England, for their sovereigns assumed jurisdiction over immense regions, and granted them by their charters, encouraging

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them in peace, protecting them in war, and extending their sway, without any regard to the imperfect right given by their mode of life to the Indians. Not the jurist, who deduces from maxims of natural law the duty of reclaiming and cultivating the earth. Not the practical politician, who surveys the principles and progress of society, satisfied with their operation, and with the circumstances which control it. The testimony of Vattel is too honorable to the character of the first occupants of our country to be withheld. 'People have not then deviated from the views of nature, in confining the Indians within narrower limits. However, we cannot help praising the moderation of the English Puritans, who first settled in New England [and he might have added, the first settlers of the other colonies], who, notwithstanding their being furnished with a charter from their sovereign, purchased of the Indians the lands they resolved to cultivate. This laudable example was followed by Mr William Penn, who planted the colony of Quakers in Pennsylvania.' *

For many years after the first settlement of the country, the colonists were engaged in the duty of self-preservation, and they had neither leisure nor inclination coolly to examine the condition of the Indians, and investigate the causes of their degradation, and the mode by which they might be counteracted. And when they began to survey the subject, the facts were not before them, as they are before us. That the Indians were borne back by the flowing tide, was evident; but that this tide would become a deluge, spreading over the whole country, and covering the summits of the loftiest mountains, could not be foreseen, and was not anticipated. Nor was it known, that these people were incapable of permanent improvement, upon fixed reservations, within the limits of the civilized country. The duty, therefore, of providing a residence for them, where they could say to this ocean, heretofore as irresistible as the great deep itself, 'Thus far shalt thou come, but no farther,' neither the government nor the people understood. The infant communities became powerful colonies; the colonies, independent states, and these states a great empire. Their boundaries were established, and their jurisdiction was granted or assumed. New territories, and eventually new states, were formed, each looking to its own political advance-

* Vattel, Book i. Chapter 18.

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ment, and to the extension of population and cultivation over its dominion, with an anxiety as natural and salutary, as that which impels individuals onwards in the strife for wealth and influence. And now, when we begin to suspect, that the white man and the red man cannot live together, we find no country where we can plant, and nourish, and protect those children of misfortune, until we pass the farthest limits of the governments formed beyond the Mississippi. There is a region belonging to the United States, admirably adapted to the situation and habits of the Indians, where no state authorities have, or can have jurisdiction, and where no attempt will be made to disturb or molest them. Because no permanent barrier has heretofore been raised between them and us, let it not be supposed, that a country, occupied by them and guarantied to them, upon the Red river and the Arkansas, would not secure them from future demands. There would be neither local government nor people to urge the extinction of their title. No claim could be interposed to conflict with theirs. And if, in the course of ages, our population should press upon that barrier, it would be after the Indians had acquired new habits, which would cause our intercourse to be without danger to them and without pain to us, or after they had yielded to their fate and passed the Rocky Mountains, or disappeared. These are events too remote to influence any just view of this subject.

In 1825, Mr Monroe, then President of the United States, submitted to Congress his own views and those of Mr Calhoun, then Secretary of War, on the condition and prospects of the Indians, with a plan for their transmigration and for their permanent settlement in a new region. These eminent statesmen, in looking back upon the history, progress, and consequences of our intercourse with them, could discover no prospect of their preservation and improvement but in a retreat beyond a fixed and stationary boundary, where they might be relieved from that ceaseless pressure, which, like an incubus, paralyzes their exertions, and where our citizens could neither mingle with, nor surround them. 'Under the operation of existing causes,' says Mr Calhoun, 'they behold the certain degradation, misery, and even final annihilation of their race, and no doubt would gladly embrace any arrangement which would promise to elevate them in the scale of civilization, and arrest the destruction which now awaits them.' Mr Monroe is equally

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decided in the avowal of his opinion. 'Experience,' he says, 'has clearly demonstrated, that, in their present state, it is impossible to incorporate them, in such masses, in any form whatever, into our system. It has also demonstrated, with equal certainty, that without a timely anticipation of, and provision against, the dangers to which they are exposed, under causes which it will be difficult, if not impossible to control, their degradation and extermination will be inevitable.'

The plan, thus enforced, and ably supported and illustrated, has been so long before the public, and is so well known, that we shall merely state its outlines; referring such of our readers as feel interested in the subject, and are ignorant of its details, to these valuable state-papers, equally conspicuous for the soundness of their views and for the spirit of humanity in which they are conceived.

Briefly then, it was proposed, that negotiations should be opened with the various tribes east of the Mississippi, for the purpose of explaining to them the views of the government, and procuring their assent to a removal west of that river; that ample means should be provided for their support, both on the journey and during a reasonable period after their arrival in their new country; that a sufficient extent of suitable territory should be assigned and guarantied to them; that a government should be provided for them, to the administration of which they should be admitted, as soon as they were fitted, from time to time, for that duty, by education and habits; and that a system of education, looking to their eventual emancipation from the thraldom of their ignorance and prejudices, and their participation in the advantages of civilization and religion, should be adopted and vigorously supported.

Nothing can evince more strongly the tender caution with which Congress approaches the subject of our Indian relations, than the delay which even the consideration of this project has encountered. Five years have elapsed, since, by an executive Message, it was spread before the national legislature and the country, and it has not yet been formally considered. Were we justly liable to the serious charges which have gone forth against us in some of the foreign journals, of indifference to the situation of the Indians, and of a desire to oppress them, the subject would long since have been disposed of. But it is because we are not indifferent, and because, we say it in a spirit of submission to the feelings of others, a false humanity

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has led us to postpone taking those decided measures which, the experience of every year proves more and more, can alone meet the exigencies of the case, and rescue the Indians from inevitable destruction. We have ourselves felt doubts upon this interesting subject, and we felt them when this project was first conceived and communicated. But they have gradually given way before the experiments we have seen, and before the imposing circumstances which have gathered and are gathering around this controversy.

Again we have the sanction of an executive recommendation of the same measure, supported in like manner by the views and illustrations of the present Secretary of War. To the duties and high responsibility of Mr Monroe, the President adds an intimate knowledge of the Indians, of their habits, character, and condition, acquired during many years' intercourse with them, while ably and faithfully serving his country in high civil and military stations. The opinions of such a man, given under such circumstances, are entitled to great consideration.

On one point only has he proceeded farther than Mr Monroe, and that is, in the unequivocal avowal of his opinion, that the states can extend their jurisdiction over all persons living within their boundaries, and an explicit declaration, that the Indians will not be supported by the United States in any efforts to resist this procedure. And who does not see, that the time has arrived, when this question must be fairly met? The interval, which has elapsed since the promulgation of Mr Monroe's views, has been pregnant with events deeply interesting to the parties, whose relative rights and duties are involved in this controversy. The Cherokee government is acquiring the sanction of time, and their claim has assumed a definite shape. The laws of Georgia will operate upon them on the thirtieth of June next, and their chiefs have formally appealed to the general government for protection against this measure, urging their claim to be independent of that state, and affirming, that this act is to be viewed 'in no other light, than a wanton usurpation of power, guarantied to no state, neither by the common law of the land, nor by the laws of nature.'

It was necessary that this appeal should be answered. And it has been answered, as we have seen, in a spirit of just regard to the Indians and to the rights of a member of the confederacy. And what rational man could expect any other an-

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swer? Is the general government to interpose the arm of power between the state of Georgia or Alabama, and the assertion of rights essential to their 'attributes of sovereignty?' A President of the United States would assume a fearful responsibility, who should thus employ the force of the Union. It would be presumptuous to say, that such a case can never occur. But we may safely predict, that when it does come, it will shake the confederacy to its centre, and that a foreign war would be light in the balance, compared with such a fearful calamity. And who does not see, that in this contest for sovereignty, the uncivilized tribes must yield? Do not truth and humanity equally require the declaration of this fact? There is no mercy in suffering these Indians to believe, that their pretensions can be established and their independent government supported. In the actual state of the world, none but an enthusiast can expect or hope for the success of such a scheme. We have long passed the period of abstract rights. Political questions are complicated in their relations, involving considerations of expediency and authority, as well as of natural justice. If the laws of the various states, founded essentially upon the English common law, modified by our peculiar circumstances, and administered in a spirit of fidelity and impartiality, which even in this land of violent political feuds, has left the judiciary without suspicion, excite the apprehensions of the Indians, and if they are anxious to escape from their operation and establish governments for themselves, ample provision has been made for their gratification. A region is open to them, where they and their descendants can be secured in the enjoyment of every privilege which they may be capable of estimating and enjoying. If they choose to remain where they now are, they will be protected in the possession of their land and other property, and be subject, as our citizens are, to the operation of just and wholesome laws.

We cannot enter into a full examination of the effect of planting colonies of Indians in the Western regions. From the retrospective view furnished by their history, it is evidently the only means in our power or in theirs, which offers any probability of preserving them from utter extinction. As a *dernier resort* therefore, apart from the intrinsic merits of the scheme itself, it has every claim to a fair experiment. But when viewed in connexion with the peculiar notions and mode of life of the Indians, the prospect it offers is consolatory to every

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reflecting person. Upon this subject we shall adduce the opinion of an able and dispassionate laborer in the great field of aboriginal improvement. The reverend Mr McCoy has for many years devoted himself with an industry, equalled only by his zeal and disinterestedness, to the life and labor of a missionary. Ten years since, he commenced a school for the instruction of youth, at Fort Wayne in Indiana, but the progress of the settlements soon compelled him to retire, and he removed his establishment to the St Joseph of Lake Michigan. He here founded an institution for the benefit of the Indians, and adopted a course of procedure well calculated to be permanently beneficial to them. The youths were taught reading, writing, and arithmetic, and also agriculture, the mechanic arts, and domestic duties. Their mental discipline, moral advancement, and progress in the business and occupations of life, went on together. The principal and his coadjutors were indefatigable in their application, and sanguine in their expectations, and for a time everything promised success. And we ourselves, from a personal examination of the establishment, augured favorably of its permanence and usefulness. We have never seen a similar institution managed with more purity or judgment. But the novelty soon wore off, the Indians became dissatisfied, the institution has declined, and Mr McCoy is convinced, that nothing but removal, and speedy and entire removal, can save from utter ruin those who have been taught, or those who are untaught. During the year 1828, he repaired to the country west of the Mississippi, to examine its adaptation to the purposes of the Indians, and has returned, satisfied with the prospect it offers. He is now directing his efforts to procure their emigration. Such a man has a right to speak upon this subject, and we shall quote some passages from an interesting pamphlet he has published.

'You have your missionaries at Gayhead, Stockbridge, Brothertown, Oneida, among the Tuscaroras, Tonnewantas, Senecas, Wyandots, Ottawas, Potawatamies, Miamies, &c.; but the most they can do in the present posture of affairs, is to soften, as it were, the pillow of the dying. They have been instrumental in benefiting a few; nevertheless, in a national point of view, all these tribes, as well as others near at hand, west of Lake Michigan and west of the Mississippi river, continue to dwindle,—they are positively perishing, and perishing rapidly.

'Through the instrumentality of your missionaries, some of

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the natives, no doubt, have become pious, and have gone, or will go, to a better country in the heavens, where their condition will be ordered by principles, very different from those which have governed the conduct of men towards them while upon earth. A few have acquired some knowledge of letters and of labor; so far, this is well. But let none imagine, that these tribes and many others are, as tribes, improving their condition generally. I say it without fear of contradiction, that their condition is becoming more and more miserable every year. I repeat it,—*they are positively perishing.*'

'It is a lamentable truth, that the evil [the use of ardent spirits] increases annually, and occasions a fearful waste of human life. As a specimen, take the following. In the fall and winter of 1825—6, in the neighborhood of the Carey Missionary Station, near Lake Michigan, twenty-five Indians were either directly murdered by the hands of their own people, or otherwise *lost their lives by drunkenness.*'

'I took the liberty, not long since, of suggesting, that the condition of these small bands, who are on little reservations in New England, New York, and Ohio, surrounded by white population, is worse than that of those who have more latitude on our frontier. It is probable they may be more plentifully supplied with food and raiment, but I have no hesitation in repeating, that their numbers decrease faster than those of the other tribes; and that they are more debased in principle, and positively more worthless, than those with whom I am comparing them. This sentiment is the result of my own personal observation, as well as of the concurrent testimony of the most authentic information.'

'But we say, that their depravity and sufferings have been increased by our proximity to them, and their hopes cut off by our policy. They are too deeply sunk in the mire, to be able to extricate themselves. It therefore rests with us to say, whether they shall be left to perish, or whether they can be or shall be "taken out of the horrible pit and miry clay, and set upon a rock, and their goings established,"—or rather, they established in a home which they can call *their own.*'

'But let the policy of our government, in relation to them, continue as it has been and as it now is, and with the exception of the Cherokees* and their immediate neighbors, I know of no tribe, nor part of a tribe, no, not one, within, or near to all the frontiers of Arkansas, Missouri, Illinois, Indiana, Michigan, or

* Mr McCoy is ignorant of the actual state of things among the Cherokees, and of the utter poverty and misery, and we may add, oppression, of the great body of these people.

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Ohio, not one of those bands on small reservations in New York or New England, of whom we can indulge any better hope than that of their total extermination. Even over those, whom we have excepted above, a gloomy cloud is gathering, of which we shall speak hereafter.

'I fear the public are not fully aware of this fact, especially the Christian public, who would more especially shudder at the thought, and who have been hoping for better things. I fear too, that missionaries are sometimes afraid to tell the worst part of the story, lest the benevolent societies and individuals, who patronize the missions, should become discouraged, and decline the undertaking. I know that there cannot exist with them any sinister motive to such a forbearance, because their labors, the labors of their whole lives, are gratuitously devoted to this enterprise. But they have been eye-witnesses of Indian wickedness and sufferings. They have heard fathers begging them to have mercy on them and their offspring, and entreating them not to forsake them; they have seen the mother digging roots for her children, and have beheld the emaciated frames of those who, in winter, had lived weeks upon acorns only, or who, in summer, had fed for days upon boiled weeds alone. They have heard the cries of children suffering with hunger, and seen the frozen limb of the half naked sufferer.'

Although we do not coincide with Mr McCoy in all the opinions advanced by him, particularly in his views of some of the more prominent obstacles which have impeded, or rather prevented, the progress of the Indians in civilization and improvement, yet in his general statement of their condition, and the utter failure of our hopes and efforts, we unite our testimony with his; as we do also, when he urges the necessity of removal, of speedy and entire removal, if a remnant of this race is to be saved. Mr McCoy, from personal observation, describes the country west of Missouri and Arkansas, as suitable for the colonization and permanent residence of the Indians. 'This country,' he says, 'is generally high, healthy, rich, its extent adequate to the purposes under consideration, and the climate desirable.' He approves the general plan originally submitted by Mr Monroe and Mr Calhoun, and recommended anew by the present Executive and the Secretary of War, of removing, with their own consent, the various tribes to that region, and establishing over them such a government as will protect, and restrain, and improve them. The details of such a plan he considers at length, obviating the objections which may be urged against it, and stating and explaining the

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considerations immediately or remotely favorable to its adoption. The length of our article already warns us, that we have neither time nor space to devote to this branch of the subject. And it is the less necessary, because the first object is to satisfy the country, the government, and the Indians, that this great measure of removal is the only remedy for the evils which we have depicted. And if the conviction of its importance should lead to its adoption, and to the voluntary acquiescence of the Indians, it would be easy to regulate hereafter the practical details of the subject, and to accommodate them to the progress and prospects of the migrating colonists and of the permanent settlements formed by them.

We have been led, in the preceding discussion, to a general consideration of the complicated relations, subsisting between the United States in their federative and their individual characters, and the various Indian tribes which yet survive to demand their care and protection. We trust that our sentiments upon one branch of this subject will not be misunderstood. In asserting the ultimate title of the general or state governments to the land lying within their respective jurisdictions and occupied by the Indians, we interpose no claim to the possession, without their free consent. And for all useful purposes, this is the only interest they can enjoy; particularly as their right of disposal is restricted to a sale to the proper government, or to those to whom the right of purchase has been assigned. We have presented our views and illustrations of this subject, not because the Indians can be practically affected by it, but because it involves interesting considerations, both historical and juridical, and meets the objections of speculative writers who maintain the absolute title of the Indians, and seem disposed to carry this claim to its legitimate consequences; to the right of conveyance, whensoever and howsoever they may feel disposed to exercise it.

Since our first intercourse with the aborigines, they have generally been ready to cede this possessory interest, as fast as it was required by our advancing settlements. Had it been otherwise, and had they been determined to retain extensive regions, out of all proportion to their numbers and wants, our ancestors would have been driven to a practical recognition of the doctrine asserted by the elementary writers, and taken such districts as were necessary for the relief of a superabundant population. It is not now probable, that this question can

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ever present itself for actual solution. But there is another, the consideration of which is perhaps much nearer, and which we may soon be required to discuss and decide. That a considerable portion of the Southern tribes has been restrained by fear from acceding to the propositions for a cession and emigration, is evident from the statement made by Colonel McKenney, already quoted, from the murder of McIntosh, from some sanguinary regulations which the men of influence have adopted, and from many circumstances that have found their way to the public. In the civil polity of the Cherokees, and, we believe, of the Creeks, as now established, there seems to be a severalty of property among themselves, regulated we know not how, and a community of property with respect to the federal and state governments. Cessions can only be made in a pre-established manner; and the principles of Draco are revived in these little communities, by the terrible punishments annexed to a violation of this regulation, which will no doubt be enforced with as little compunction as it has been prescribed. But why should a community of property be allowed for this purpose and for no other? Why should not a part of the population be permitted to cede their interest to the government, and receive an equivalent in other regions, where they may anticipate a comfortable support and a permanent establishment? Must they be anchored to a soil which they are desirous of leaving, and where they are poor and depressed, because a few powerful chiefs choose to be surrounded by abject dependents, rather than be brought into contact with our citizens, and subjected to the operation of just and equal laws? We state the case plainly, as we are satisfied the truth demands. Let the son of the Big Warrior enjoy in peace and security the six-score slaves and the fifty thousand dollars, he is reported to have inherited from his father; and let the other chiefs, both among the Creeks and Cherokees, whom it would be invidious to mention, possess in like manner the property they have acquired, whether in money, in slaves, or in valuable improvements. But let those, who have not been and cannot be thus fortunate, go to the Western regions, if they desire to go; not in abject poverty, suffering and dying on the way, but after having yielded their interest in their ancient possessions for a valuable consideration, and obtained another in their new; and obtained also the means of subsistence on the route, and after their arrival and permanent establishment.

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Let the right thus acquired by the government, and the right remaining to those who choose to stay behind, be equitably divided. There would be no difficulty in a partition upon just principles. If one moiety be prepared to go, let a moiety of the land be assigned to the State or the United States; and if one fourth, let a fourth be assigned; and if only one man is anxious to change his residence and attempt to meliorate his condition, for ourselves we can see no objection to the purchase of his interest, and to its partition from the general stock, whenever the government may deem such a measure expedient.

It is idle to meet this proposition by the assertion, that the Cherokee or other Indian authorities have prohibited this course of procedure, and would visit it with the punishment of death, and that they have a right to enforce their own regulations in their own way. In the actual state of things, they have no such right. The attempt itself is an omen unfavorable to their future prosperity. If their first essay in the science of government is to sink a tomakawk into the heads of all their people who may endeavor to relinquish their present possessions, and migrate where they can acquire others, which may, or may be supposed to be, better, it is time that the paramount authority should interfere and abolish institutions thus written in blood. The mode of acquiring the possessory right of the Indians is a question of expediency and not of principle. Far be it from us to advocate any proposition, which would divest them unjustly of the smallest interest, to which they are entitled. But we propose that their interest should be rendered more secure and more valuable, by assigning to every one, a separate share, and the power to retain or to cede it; and this might essentially aid the whole and could injure none. It would insure to each a just compensation, and would put an end to that system of gratuities and annuities, which all, who have eyes to see and ears to hear, must be sensible, has been so grossly abused by many of the chiefs of the southern tribes, and has rendered them rich and their countrymen poor. And it would put an end to influence unjustly acquired and unjustly exerted.

This view is distinctly stated by Mr Jefferson in his talk to the Cherokees in 1809. 'When this party shall have found a tract of country suiting to the emigrants and not claimed by other Indians, we will arrange, with you and them, the exchange

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of that for a just portion of the country they leave, and *to a part of which, proportioned to their numbers, they have a right.*' And in the treaty concluded at the Cherokee agency, July 8, 1817, this principle of a division of the community and a partition of the land, was substantially adopted, and a provision made for its practical application and adjustment. The assent of the whole tribe was given to that measure. But if that assent is now withheld whenever any of their people are desirous of passing over the Mississippi, the freedom of choice and action should be assured to them, and their interest fairly purchased, and equitably separated from the common stock.

But after all, it cannot be denied and ought not to be concealed, that in this transplantation from the soil of their ancestors to the plains of the Mississippi, some mental and corporeal sufferings await the emigrants. These are inseparable from the measure itself. But by an appropriation liberally made, and prudently applied, the journey may be rendered as easy for them, as for an equal number of our own people. By a continuation of the same liberality, arrangements may be made for their comfortable support, after their arrival in the land of refuge, and until they can accommodate themselves to the circumstances of their situation; until they can secure from the earth or the forests, the means of subsistence, as they may devote themselves to the pursuits of agriculture or of the chase.

The amount of the expenditure necessary for their migration and establishment is not a subject for serious consideration. All should be given, and all no doubt will be given, that can be reasonably employed in their comfortable support. It is not a question of profit or loss, but a great question of national policy, involving the rights and feelings of those, from whom we have obtained much, and for whom we have done little.

Providence, for wise purposes, has given to us, in common, principles of association which bind us together and connect us with the land of our birth, and with those who have inhabited it before us. These associations of time and place belong to the human family. '*Bury me not, I pray thee, in Egypt,*' said the Patriarch who had gone down to live and die with his son; '*but I will lie with my fathers, and thou shalt carry me out of Egypt and bury me in their burying-place.*' And from the earliest migration of a community recorded in profane history, to the latest that has occurred in our own day,—from the going

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forth of the remnant of Troy, to the abandonment of Parga, when her whole people went out houseless and homeless, leaving the waning crescent to glimmer over a deserted region,—the feelings of the exiles have been expressed by the Trojan leader;

> 'Litora tum patriæ lacrymans portusque relinquo,
> Et campos ubi Troja fuit.'

Although the Indians are migratory in their habits, yet their local attachments are strong and enduring. *The sepulchres of their fathers* are as dear to them, as they ever were to the nations of the East. Those ties have bound them to their native regions longer and stronger than any other or all other considerations. Now, when the time of severance has approached, we owe it to them, to ourselves, to the opinion of the world, that the process should be conducted with kindness, with liberality, and above all, with patience. The assurance of the Secretary of War 'that nothing of a compulsory course to effect the removal of this unfortunate race of people has ever been thought of by the President, although it has been so asserted,' is honorable to the government, and consolatory to those who are looking with most solicitude to the condition of the Indians. The intimation of the Secretary that the object of the President was 'to explain fully to them and to the country, the actual ground on which it was believed they were rightly entitled to stand,' is equally in accordance with justice, policy, and the public feeling.

This is the course we had a right to expect, and to which there can be no just objection. Let the whole subject be fully explained to the Indians. Let them know that the establishment of an independent government is a hopeless project; which cannot be permitted, and which, if it could be permitted, would lead to their inevitable ruin. Let the offer of a new country be made to them, with ample means to reach it and to subsist in it, with ample security for its peaceful and perpetual possession, and with a pledge, in the words of the Secretary of War, 'that the most enlarged and generous efforts, by the government, will be made to improve their minds, better their condition, and aid them in their efforts of self-government.' Let them distinctly understand, that those who are not disposed to remove, but wish to remain and submit to our laws, will, as the President has told the Creeks, 'have land laid off for them and their families, in fee.' When all this is done, no

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consequences can affect the character of the government, or occasion regret to the nation. The Indians would go, and go speedily and with satisfaction. A few perhaps might linger around the site of their council-fires; but almost as soon as the patents could be issued to redeem the pledge made to them, they, would dispose of their possessions and rejoin their countrymen. And even should these prefer ancient associations to future prospects, and finally melt away before our people and institutions, the result must be attributed to causes, which we can neither stay nor control. If a paternal authority is exercised over the aboriginal colonies, and just principles of communication with them, and of intercommunication among them, are established and enforced, we may hope to see that improvement in their condition, for which we have so long and so vainly looked.

ART. IV.—*An Historical and Statistical Account of Nova-Scotia, in two Volumes, illustrated by a Map of the Province, and several Engravings.* By THOMAS C. HALIBURTON, Barrister at Law, and Member of the House of Assembly of Nova-Scotia. Halifax. 1829. 8vo.

MR. HALIBURTON, the author of these volumes, we understand, is a citizen of Annapolis in Nova-Scotia, a young lawyer of respectability, and a member of the House of Assembly. He has given us a history and description of his native province, which not only do great credit to himself, and to Nova-Scotia, but will safely bear a comparison with any of the works of a similar kind, that have appeared in the United States. Making use of Mr Haliburton's work, and of some little knowledge derived from personal observation, we will proceed to lay before our readers a few particulars respecting that province.

The continent or mainland of North America was discovered by Sebastian Cabot. He first descried land on the twenty-fourth of June, 1497. There is reason to believe, that the point which he then made was a part of Nova-Scotia. More than seventy years, however, elapsed before any attention was paid by England to the discovered territory.

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In 1578, Queen Elizabeth granted to Sir Humphrey Gilbert a patent for discovering, occupying, and peopling such portions of it as were not at that time possessed by Christian people. He sailed from England on the eleventh of June, 1583, and arrived at Newfoundland on the eleventh of July. He took formal possession of the whole country as the representative of the English sovereign. Sir Humphrey Gilbert set sail on his return during the month of August of the same year. The vessel in which he embarked foundered at sea, and every soul on board perished. In the year 1607, Sir John Gilbert, although far advanced in years, in prosecution of his brother's enterprise sailed for America. He arrived at the mouth of the Kennebec River; but his fate was equally disastrous with that of Sir Humphrey. Having commenced a settlement upon that river, he fell a victim to the severities of the succeeding winter. This melancholy event broke up the colony, and the people all returned to England entirely disheartened. The discovery by Cabot, the formal possession taken by Sir Humphrey Gilbert, and the actual residence of Sir John Gilbert, are the grounds upon which Great Britain places her original right to her North American possessions.

In the mean time the French had undertaken many voyages, for purposes of trade, to different parts of the coast; and in the year 1598, a formal attempt at colonization was made by them under the direction of the Marquis de la Roche. He attempted a settlement upon the Isle of Sable, which is thirty-five leagues from the main land, or from any other island. It is a dreary and solitary spot, far out in the ocean, barren and uninhabitable, covered with briers, sand hills, and small fresh-water ponds. Its length is thirty miles, and its breadth not more than one and a half. It presents the shape of a bow. It seems to answer no other purpose than to afford a sporting ground for seals, and other marine animals. It is covered with a race of exceedingly wild horses, and has heretofore been infested by large numbers of ferocious hogs, which are now, however, exterminated. This desolate reef of sand, has been the grave of innumerable mariners. The government of Nova-Scotia support a family upon it, and provide them with the means of affording the requisite aid and supplies to wrecked vessels and their unfortunate crews. This ocean-desert having been absurdly selected as its site, it followed of course that the colony of the Marquis de la Roche soon came to a miserable end.

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In 1603 Monsieur de Monts was appointed by Henry the Fourth, governor general of the country. On the seventeenth of March, 1604, he sailed from Havre de Grace, accompanied by Champlain, afterwards celebrated as the founder of Quebec, be Poutrincourt, and by other gentlemen volunteers and adventurers. After having explored the outer shore of Nova-Scotia, they sailed up the Bay of Fundy; and entering a strait, found themselves enclosed in a spacious and beautiful bay. So delightful was the scene around them, that Poutrincourt determined to establish himself there; and having received a grant of it, he called it Port Royal.

It is not surprising that its first visiters were so much charmed by the aspect of this place. As the voyager is coasting along the bold and elevated shores of the southeastern side of the Bay of Fundy, he is suddenly brought to a narrow passage through which the tides rush with great violence and rapidity; the banks rising on either side, with almost a perpendicular ascent, to a mountainous height. In a few minutes he is swept through into a wide, calm, and sheltered bay, large enough, it would seem, to hold the navies of the world. The circuit of the horizon is traced on every side by ridges of mountains, richly wooded to the very summit; the lowland is spread out in wide prairies; and there is no visible outlet to the sea, the narrow strait being entirely concealed by the projecting hills and lofty forests. At the head of this noble harbor, the Annapolis River, after having flowed through an extended valley of uncommon beauty and amenity of aspect, and watered as rich a soil as any in this part of the continent, alternately pours itself forth in a rapid current with the retiring, or yields to the irresistible pressure of the advancing tide. Here, in 1605, was laid the foundation of the first permanent settlement in all British North America.

Under the name of Port Royal, this ancient town was the scene, for more than a hundred years, of the most interesting and romantic military adventures and vicissitudes. And now under the name of Annapolis Royal, two centuries and a quarter from its foundation, it presents, in its beautiful and expansive scenery; in its apparent seclusion from the world; in its historical recollections; in its ancient fortresses, its deep and verdant moat, and narrow draw-bridge, and mouldering batteries; in its rich and prosperous back country; in its peaceful tranquillity; and above all, in its amiable and intelligent

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gent population, one of the most interesting villages in North America. It is probable that no place in the new world has passed through so many and so remarkable changes, as the little town of Annapolis. It was twice deserted by its inhabitants in the earliest years of its history; it has been invested by hostile forces ten times; five times had it surrendered to the prowess of the English, and again been restored to France, when by the treaty of 1713, it was finally ceded to Great Britain. It has repulsed five assaults; the Indians having invested it unsuccessfully three times, and the French twice.

Louisburg, so celebrated in American history, is within the limits of the Province of Nova-Scotia. It is memorable as having been the scene of two remarkable sieges; and its fortifications were so skilfully arranged, and combined great advantages of position with such formidable batteries, that it was for a long time considered as impregnable. It was reserved however for New-England troops, provincial and undisciplined, to remove this impression. It was an army from Massachusetts and the surrounding provinces, that first bid defiance to all its artillery and surmounted all its intrenchments; an army, as Mr Haliburton happily observes, composed of husbandmen and merchants, and pursuing its operations in conformity to a plan which was projected by a lawyer! The first reduction of Louisburg by the New-England yeomanry has justly been regarded as one of the most daring and brilliant military achievements on record. It was besieged again, some years afterwards, by a large army of British regulars and a powerful fleet, and was once more captured. Great skill and courage were displayed on this occasion also.

This place, so famous in the annals of colonial warfare, where the hardy inhabitants of New England prepared themselves, as in a school, for the gallant part which they were afterwards called to bear in the conquest of Quebec, and finally in the war of their own independence, is at present nearly destitute of inhabitants; a few fishermen pursue their humble calling on its banks, but its massive fortifications are all demolished, and its lofty towers are reduced to a level. There is a sublime and affecting contrast between the desolation, which now marks its unpeopled site, and the proud armies that once shone on its ramparts, and busy crowds that once thronged its streets; between the deep silence which broods over its unruffled harbor, and the thunders which were wont to burst along its bosom from embattled navies.

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The most remarkable event in the history of Nova-Scotia is the seizure and transportation of the Acadians. The fortune of war had often thrown this province into the hands of the British, previous to its final surrender to them by treaty. Circumstances, however, of various kinds, had prevented its colonization by English people. The French were the first occupants, and had established themselves wherever an opening had been made into the wilderness; and the strong antipathy, incidental to the rivalry between these two nations, rendered the English reluctant to settle with the French, and the French unwilling to receive them. The Indian tribes had been made to sympathize with the French in their peculiar hostility to the English, so that it was extremely dangerous for any of the latter people to reside near them. It was accordingly found, when the country was finally ceded to Great Britain, that the inhabitants were mostly of French descent. As their countrymen gave the name of Acadia to the part of the continent where they resided, they were called Acadians. They spoke the French language, were Roman Catholics, and naturally entertained a strong affection towards the country, which had been the home of their fathers. After the cession of Nova-Scotia to England, they were required to take the oath of allegiance to their new sovereign or to quit the province. They agreed to take the oath, provided it was guarantied to them, that they never should be required to take up arms against their former country, France, or their ancient allies, the Indians. The governor of Nova-Scotia assured them that the condition which they demanded would be assented to; and accordingly they took the oath. The government in England, however, refused to sanction the assurance given them by the governor of the province, and peremptorily required that they should unconditionally take the oath. This they unanimously and invariably refused to do; and thus matters stood from year to year, for nearly half a century.

It so happened, that in the of wars the English with the French in Canada, or the Indians, many individuals of the Acadian population were found several times fighting with the latter; and although it is quite evident, that the great body of the Acadians were sincerely peaceable, and had endeavored to keep as much as possible aloof from all contention, yet it was very certain that their sympathies were

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prone to direct themselves towards the enemies of the province, and it was well understood that the French missionaries were unwearied in using their influence over them, which was great, in opposition to the English. It is not at all surprising, therefore, that the officers of the British government regarded the presence of the Acadians as highly injurious to the peace, and dangerous to the safety, of the province; and although it was a strong measure, it is perhaps still the opinion of many, that they were authorized to decide, as they did, upon the expulsion of this unfortunate people from Nova-Scotia. But, let that be as it may, it was secretly determined to drive the whole Acadian population from the province; and, as their removal to Canada would only strengthen the power of the great enemy, it was resolved to transport them to different parts of the British American Colonies, and distribute them in such small numbers in the various provinces, that they would not be able to combine together, and would soon become mingled and lost in the great mass of the English population. Before we advert to the execution of this severe decree, let us take a view of the character and condition of the devoted race. In describing them we have no occasion to do more than quote from Mr Haliburton's narrative.

'Hunting and fishing, which had formerly been the delight of the colony, and might have still supplied it with subsistence, had no further attraction for a simple and quiet people, and gave way to agriculture, which had been established in the marshes and low lands, by repelling with dikes the sea and rivers which covered these plains. These grounds yielded fifty for one at first, and afterwards fifteen or twenty for one at least; wheat and oats succeeded best in them, but they likewise produced rye, barley, and maize. There were also potatoes in great plenty, the use of which was become common. At the same time these immense meadows were covered with numerous flocks. They computed as many as sixty thousand head of horned cattle; and most families had several horses, though the tillage was carried on by oxen. Their habitations, which were constructed of wood, were extremely convenient, and furnished as neatly as subtantial farmers' houses in Europe. They reared a great deal of poultry of all kinds, which made a variety in their food, at once wholesome and plentiful. Their ordinary drink was beer and cider, to which they sometimes added rum. Their usual clothing was in general the produce of their own flax, or the fleeces of their own sheep; with these they made common linens and coarse cloths. If any of

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them had a desire for articles of greater luxury, they procured them from Annapolis or Louisburg, and gave in exchange corn, cattle, or furs. The neutral French had nothing else to give their neighbors, and made still fewer exchanges among themselves; because each separate family was able, and had been accustomed, to provide for its own wants. They therefore knew nothing of paper currency, which was so common throughout the rest of North America. Even the small quantity of gold and silver which had been introduced into the colony, did not inspire that activity in which consists its real value. Their manners were of course extremely simple. There was seldom a cause, either civil or criminal, of importance enough to be carried before the Court of Judication, established at Annapolis. Whatever little differences arose from time to time among them, were amicably adjusted by their elders. All their public acts were drawn by their pastors, who had likewise the keeping of their wills; for which, and their religious services, the inhabitants paid a twenty-seventh part of their harvest, which was always sufficient to afford more means than there were objects of generosity.

Real misery was wholly unknown, and benevolence anticipated the demands of poverty. Every misfortune was relieved, as it were, before it could be felt, without ostentation on the one hand, and without meanness on the other. It was, in short, a society of brethren; every individual of which was equally ready to give, and to receive, what he thought the common right of mankind. So perfect a harmony naturally prevented all those connexions of gallantry which are so often fatal to the peace of families. This evil was prevented by early marriages, for no one passed his youth in a state of celibacy. As soon as a young man arrived to the proper age, the community built him a house, broke up the lands about it, and supplied him with all the necessaries of life for a twelve-month. There he received the partner whom he had chosen, and who brought him her portion in flocks. This new family grew and prospered like the others. In 1755, all together made a population of eighteen thousand souls. Such is the picture of these people, as drawn by the Abbé Raynal. By many, it is thought to represent a state of social happiness, totally inconsistent with the frailties and passions of human nature; and that it is worthy rather of the poet than the historian. In describing a scene of rural felicity like this, it is not improbable that his narrative has partaken of the warmth of feeling for which he was remarkable; but it comes much nearer the truth than is generally imagined. Tradition is fresh and positive in the various parts of the United States, where they were located, respecting their guileless, peaceable, and scrupulous character; and the descendants of those, whose long cherished and endearing local attachment

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induced them to return to the land of their nativity, still deserve the name of a mild, frugal, and pious people.' Vol. I. pp. 170–173.

As it would have been impossible for the English to get them into their possession, if the design of carrying them away had been made known; and as it was in the power of the Acadians to disperse and place themselves beyond the reach of detection in the recesses of the forest, secure, as they were, of the alliance and sympathy of the Indians; it became necessary to devise the means of collecting and taking them by stratagem. It was determined that a proclamation should be issued requiring their attendance at specified places, in their several settlements, on the same day. The proclamation was so framed in its phraseology, that the design could not be discovered, and so severe in its penalties, that none would dare to disobey. By this cunning contrivance, nearly the whole population was surprised simultaneously throughout the province. The reader may form an idea of the scene presented on this fatal day throughout the Acadian settlements, by the following account of the proceedings at Grand Pré, in King's county.

Colonel John Winslow of Marshfield, in Massachusetts, was entrusted with the management of the affair at this place. He is described by Mr Haliburton, as an officer of great humanity and firmness. Having issued his proclamation requiring them to assemble on the fifth of September, 1755, at three o'clock in the afternoon in the church at Grand Pré, the unsuspecting and innocent Acadians, to the number of four hundred and eighteen able-bodied men, were found, at the appointed hour, in the appointed place. Colonel Winslow, accompanied by his officers, standing in the centre of the church, addressed them to the following effect.

'Gentlemen; I have received from his Excellency Governor Lawrence, the King's Commission, which I have in my hand; and by his orders you are convened together to manifest to you, his Majesty's final resolution to the French inhabitants of this his Province of Nova-Scotia; who, for almost half a century, have had more indulgence granted them than any of his subjects in any part of his dominions; what use you have made of it you yourselves best know. The part of duty I am now upon, though necessary, is very disagreeable to my natural make and temper, as I know it must be grievious to you, who are of the same species; but it is not my business to animadvert, but to obey such orders as I receive, and therefore, without hesitation, shall deliver you his Majesty's orders

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and instructions, namely—that your lands and tenements, cattle of all kinds and live stock of all sorts, are forfeited to the Crown; with all other your effects, saving your money and household goods, and you yourselves to be removed from this his Province.

Thus it is peremptorily his Majesty's orders, that the whole French inhabitants of these Districts be removed; and I am, through his Majesty's goodness, directed to allow you liberty to carry off your money and household goods, as many as you can without discommoding the vessels you go in. I shall do everything in my power, that all those goods be secured to you, and that you are not molested in carrying them off; also, that whole families shall go in the same vessel, and make this remove, which I am sensible must give you a great deal of trouble, as easy as his Majesty's service will admit; and hope that, in whatever part of the world you may fall, you may be faithful subjects, a peaceable and happy people. I must also inform you, that it is his Majesty's pleasure that you remain in security under the inspection and direction of the troops that I have the honor to command.' Vol. I. pp. 176, 177.

After this address, Colonel Winslow declared them the king's prisoners. Mr Haliburton adds, that

'The whole number of persons collected at Grand Pré, finally amounted to four hundred and eighty-three men, and three hundred and thirty-seven women, heads of families; and their sons and daughters, to five hundred and twenty-seven of the former, and five hundred and seventy-six of the latter; making in the whole one thousand nine hundred and twenty-three souls. Their stock consisted of one thousand two hundred and sixty-nine oxen, one thousand five hundred and fifty-seven cows, five thousand and seven young cattle, four hundred and ninety-three horses, eight thousand six hundred and ninety sheep, and four thousand one hundred and ninety-seven hogs. As some of these wretched inhabitants escaped to the woods, all possible measures were adopted to force them back to captivity. The country was laid waste to prevent their subsistence. In the District of Minas alone, there were destroyed two hundred and fifty-five houses, two hundred and seventy-six barns, one hundred and fifty-five out-houses, eleven mills, and one church; and the friends of those who refused to surrender, were threatened as the victims of their obstinacy.' Vol. I. pp. 177, 178.

In consequence of their earnest entreaties, the men were permitted, ten at a time, to return to visit their wretched families, and to look, for the last time, upon the beautiful fields of their loved and lost homes.

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'They bore their confinement, and received their sentence, with a fortitude and resignation altogether unexpected; but when the hour of embarcation arrived, in which they were to leave the land of their nativity for ever—to part with their friends and relatives, without the hope of ever seeing them again, and to be dispersed among strangers, whose language, customs, and religion were opposed to their own, the weakness of human nature prevailed, and they were overpowered with the sense of their miseries. The preparations having been all completed, the 10th of September was fixed upon as the day of departure. The prisoners were drawn up six deep, and the young men, one hundred and sixty-one in number, were ordered to go first on board of the vessels. This they instantly and peremptorily refused to do, declaring that they would not leave their parents; but expressed a willingness to comply with the order, provided they were permitted to embark with their families. This request was immediately rejected, and the troops were ordered to fix bayonets and advance towards the prisoners, a motion which had the effect of producing obedience on the part of the young men, who forthwith commenced their march. The road from the chapel to the shore, just one mile in length, was crowded with women and children; who, on their knees, greeted them as they passed with their tears and their blessings; while the prisoners advanced with slow and reluctant steps, weeping, praying, and singing hymns. This detachment was followed by the seniors, who passed through the same scene of sorrow and distress. In this manner was the whole male part of the population of the District of Minas put on board the five transports, stationed in the river Gaspereaux; each vessel being guarded by six non-commissioned officers, and eighty privates. As soon as the other vessels arrived, their wives and children followed, and the whole were transported from Nova-Scotia. The haste with which these measures were carried into execution did not admit of those preparations for their comfort, which, if unmerited by their disloyalty, were at least due in pity to the severity of their punishment. The hurry, confusion, and excitement, connected with the embarcation, had scarcely subsided, when the Provincials were appalled at the work of their own hands. The novelty and peculiarity of their situation could not but force itself upon the attention of even the unreflecting soldiery; stationed in the midst of a beautiful and fertile country, they suddenly found themselves without a foe to subdue, and without a population to protect. The volumes of smoke, which the half expiring embers emitted, while they marked the site of the peasant's humble cottage, bore testimony to the extent of the work of destruction. For several successive evenings the cattle assembled round the smouldering ruins, as if in anxious expectation of the return of

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their masters; while all night long the faithful watch-dogs of the Neutrals howled over the scene of desolation, and mourned alike the hand that had fed, and the house that had sheltered them.' Vol. I. pp. 179–181.

A similar scene was presented throughout all the Acadian settlements. In many places the most desperate resistance was attempted, but all was unavailing; they had been ensnared by stratagem, and were overpowered by numbers. The inexorable decree was carried into complete effect. The whole population, amounting to eighteen thousand souls, were suddenly and violently torn from the fertile fields, which their ancestors had cleared and cultivated, and on which they were born and had hoped to die; were robbed of their most valuable property; were separated from their families and friends, and crowded, as in slave-ships, into small vessels, at the rate of two persons for each ton; were transported to distant provinces, and scattered, in humiliation, in poverty, and with broken hearts, in communities hostile to their religion and country, and averse to their manners and customs, without knowing each other's fate, and without the least ground of hope, that they should ever meet again on earth.

The following instance will enable the reader in some degree to realize the misery produced by the consummation of this cruel edict. Those Acadians, who had uniformly befriended the British authorities, were treated in the same manner as the rest; no exception was made, no dispensation granted, no favor, no meritorious service remembered. There was a notary public, named Réné Leblane, who had formerly suffered in consequence of his attachment to the English, having been carried into captivity by the Indians, and kept a prisoner four years, solely on that account. At the time of the expulsion of the Acadians, he was still living, having attained a venerable age. He had twenty children, and about one hundred and fifty grand-children. They were all transported like so many convicts. They were compelled to embark in different vessels, and were scattered in distant provinces. The unfortunate old man was put on shore at New York, with his wife and his two youngest children only. Bent as he was by the infirmity of age, and overpowered by the weight of affliction, his parental affection still prompted him to seek out his lost children. He reached Philadelphia. There he found three of them. But his strength was exhausted, and he could go

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no farther. His misfortunes were greater than he could bear. He despaired of discovering his remaining children, and in penury, obscurity, and sorrow, sunk into his grave.

It may be questioned if the history of the world exhibits a more heart-rending incident than the exile of this amiable and happy people, or a more sad and affecting spectacle, than the desolation of their depopulated homes; their moaning flocks and herds; their rich and waving meadows turned into a desert; and the smoking ashes of their houses and barns. While the traveller contemplates the noble dikes reared by their industry, by means of which whole regions have been won from the rivers and the sea; while he walks beneath the shade of their abundant orchards, and stands over the ruins of their cottages, or muses among their graves, his imagination goes back to a scene of rural felicity and purity, in which the fables of antiquity were realized; his heart melts in sympathy with the sudden misfortunes and the dreadful fate of the poor Acadians.

Nova-Scotia is remarkable for the number of spacious and sheltered harbors along the whole line of its northern, eastern, and southern coasts. It is intersected by many beautiful rivers, and is dotted by lakes of every variety of size and shape. Its geographical outlines suggest the advantages, and point out the routes of several canals, which have already, under the direction of the public-spirited legislature of the province, been explored, and will soon, without doubt, by means of the patronage and aid of that body, be completed. Throughout the circuit of its shores (and it is connected with the continent by a very narrow isthmus), the sea affords an abundant supply of fish. Some parts of its soil are barren, but a large proportion is rich and fertile, and in several districts equal to any in the Atlantic States. There are few, if any, better agricultural townships in America, than Cornwallis and Horton in Nova-Scotia. Beneath the soil there is an abundance of lead and iron ore; indeed the natural advantages of the province are uncommonly great, and it cannot be doubted that under the judicious and liberal administration of the local legislature, they will be rapidly and fully improved.

Halifax, the capital of the province, is one of the most convenient sea-ports and beautiful cities on the Atlantic coast. Its public and private dwellings present an aspect remarkably neat and agreeable to the eye. Mr Haliburton speaks with

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great enthusiasm of the Navy Yard and the Province House. The latter indeed is a remarkably fine structure, and although we are disposed to hesitate in admitting that they surpass everything of the kind in North America, we cannot take offence at his positive and unqualified assertion to that effect.

The political condition of the northeastern British American provinces, is in many respects favorable. The legislature consists of a Governor and Council, deriving their places and authority from the crown, and a House of Assembly, elected by the qualified voters among the inhabitants. The House holds the purse of the province, and controls the expenditures of the civil department of government. The whole sum derived from the customs goes into the province treasury, and is subject to the disposition of the House of Assembly. The consequence is, that but little is needed from the people in the way of direct tax. Mr Haliburton rather boastingly compares the situation of the inhabitants of the province in this respect with that of the people of the United States. Yet the records of the proceedings of the legislature of Nova-Scotia exhibit several instances of a great waste of money. The House of Assembly, merely to gratify Lord Dalhousie, granted several thousand pounds towards erecting a college in Halifax, which Mr Haliburton acknowledges is not needed. There are too many instances of votes granting large sums of money to be expended upon swords and stars for the British generals and admirals, who have happened to be in command there. It is very undignified and quite discordant with the principles of their own constitution, for the popular and native branch of the legislature to pay this obsequious court to a foreign executive.

There is a college at Windsor, established by a charter from the king, and supported by the unremitted and profuse bounty of the Assembly. It is beautifully situated, possesses an excellent library, and has the reputation of giving a very good classical education to its pupils. But although it has been in existence since 1803, it has bestowed only on sixty-seven persons the degree of bachelor of arts. This is probably owing to the untoward circumstance, that the doctrinal test of the Church of England is imposed upon its students. There is also an excellent academy at Pictou, for the education of dissenters; but the legislature, by refusing to continue to it any patronage, seem to be disposed to permit it to languish. The Council, deriving their

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seats from the British government, have determined to negative any law granting assistance to this dissenting institution; and the representatives of the people in the House of Assembly, although three quarters of their constituents are opposed to the English Church, still continue to grant a large annual sum to the Royal Episcopal College at Windsor.

Mr Haliburton has added much to the value of his work, by prefixing to it a large and well executed map of Nova-Scotia, by inserting several plates, representing the aspect and outlines of places of interest, and by some very useful and instructive statistical tables. Among the latter is one giving a view of the religious opinions of the people of Nova-Scotia, as they were ascertained by means of a census. Among the principal evils of a colonial condition, is the want of a stirring spirit of enterprise in the mass of the people, and the degradation of the civil and professional pursuits, produced by the glare and glitter of an elegant and imposing military life, as it is exhibited in the finely arrayed British regiments, that are quartered in the provincial garrisons.

In closing our remarks upon Mr Haliburton's work, we would again recommend it to those who are interested in American history. It is written with clearness, spirit, industrious accuracy, and with great candor and justice. It needs a more copious index, and is perhaps rather deformed, than improved by the chronological table of events from 1763 (where the history terminates) to 1828. It must necessarily be very defective, and, brief as it is, it contains much useless matter. What connexion, for instance, is there between the history of Nova-Scotia, and the fact, that 'Ernest Augustus, Duke of Cumberland, was born June 5, 1771.' Still, notwithstanding these slight blemishes, the 'Historical and Statistical Account of Nova-Scotia' is a valuable work, honorable to its author, and worthy of the thanks of his native province, which have so handsomely been communicated to him by the speaker of the House of Assembly, in compliance with a vote of that body.

It is very desirable that the people of the United States and of the British Provinces should become better acquainted, and be led to take a more lively interest in each other. Their fathers were united by the bond of a common country; and it needs no spirit of prophecy to foresee that the time must come, when, in the natural course of events, the English colonies on our borders will be peaceably dissevered from the re-

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mote mother country, and the whole continent, from the Gulf of Mexico to the coast of Labrador, present the unbroken outline of one compact empire of friendly and confederated states.

ART. V.—*Legal Outlines, being the Substance of a Course of Lectures now delivering in the University of Maryland.* By DAVID HOFFMAN. Vol. I. 8vo. pp. 626.

THE author of this work has, in several previous publications, such as a 'Course of Legal Study,' a 'Syllabus of Law Lectures in the University of Maryland,' and various introductory discourses delivered there, explained at large his views on the subject of legal education. In his 'Course of Legal Study,' an unpretending volume, addressed to students, he has rendered them essential service by indicating, with a just selection, the most instructive works, but especially by displaying the order in which the multitudinous parts of a various science may most usefully be considered. In none is such a systematic mode of elementary study more necessary, and in none is it more generally neglected, than in the law. The 'Syllabus' just mentioned had the same object of giving sequence and coherence to the complicated topics of legal learning, and of reducing them to a series where each should spring naturally from another, and lead easily and gradually to a succeeding one. Mr Hoffman's views on this subject are large and liberal. He demonstrates, in these publications, and in his several introductory lectures, that he has himself minutely surveyed the extensive field, whose boundaries and divisions he has described for the student. His learning is ample, his diligence indefatigable. His classification and arrangement are such, that, if strictly pursued, all difficulties (and they are many), arising from the usual want of method, must vanish, and none remain but such as are intrinsic to the science. If he opens a long path before us, he takes all pains to make it smooth; and, by his process, the abrupt steeps of jurisprudence are insensibly surmounted by a gentle acclivity.

It is evident, however, that our author does not pretend to have discovered any royal road to legal learning. He manifestly contemplates a long course of assiduity for his student,

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and while he would lessen the fatigue, he would extend the sphere of his acquisitions. He aims chiefly to give his labors the right direction, and to solve for him the problem, not how to read the least (which seems to be the more common one), but how he may compass the most, and with the most understanding, in the shortest time. Thus he traces indeed each path distinctly, but he carries it far and high into the recesses of jurisprudence; he disentangles the topography, but he does not contract the limits of this particular domain of learning; he even makes excursions into contiguous regions. He has an enlarged conception of the duties and of the qualifications of the lawyer, and seeks therefore to extend his views beyond the limits of mere positive and municipal jurisprudence, so as to embrace those original principles in which it has its birth, and by which it must always be controlled and illustrated. He has accordingly devoted this first volume of his 'Legal Outlines,' the only one which has yet appeared, to a consideration of the elements of Natural and Political Law. He treats of the nature of the being who is the subject of this law; of his supposed condition before the institutions of civil society, and of the rights arising in that condition, and independent of civil government; of the origin of the latter, its true foundation, and its effects upon natural rights; of the general properties of law, and of the source and sanction of that universal 'law of nature,' which is itself the fountain and standard of all other law; of political, as distinguished from civil law; and of the various forms of government. The last lecture of the present volume contains a sketch of that remarkable system, the feudal law, which has left such strong traces in the jurisprudence of Europe and of our own country.

The entire work is designed as an analytical outline (the only one, the author remarks, which has yet appeared) of the whole body of jurisprudence proper to be studied in this country; none of the many excellent elementary works which have been published on the laws of England having aimed at presenting this complete analysis of every part. The two succeeding volumes will treat of the elements of the municipal law, including various titles which have scarcely been alluded to by Blackstone; of the law of real and personal property; of equity and mercantile law; of the law of crimes and punishments; of the Roman civil law; of the law of nations, and admiralty and maritime law; and of the constitution and laws

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of the United States. Some subsidiary subjects will be appended, as legal biography and bibliography, forensic eloquence, and professional deportment. Mr Hoffman's pretensions are modest. He diffidently dedicates his book 'more especially to students,' who, he remarks, 'if they find no more in these volumes, will at least see pointed out to them the purest sources of information in the different departments of the science.' The nature of the topics discussed in this first volume has induced him to treat them in a more diffuse method, than will be observed in the remaining ones; and the whole, he hopes, may serve as an introduction to Blackstone's Commentaries, and to those of Chancellor Kent on American Law. So far as he has proceeded, the author has much more than accomplished the objects thus modestly proposed. His forthcoming volumes will complete, in our opinion, a very valuable accession to elementary legal works, so far as we may infer from the learning and the clearness with which, in that under review, he has discussed various questions of interest in ethics and natural jurisprudence, whether regarded in themselves, or in their bearing on municipal and international law.

In his exhortations to the study of ethics, natural law, universal jurisprudence, or by whatever other name it may be called, Mr Hoffman duly appreciates the informing and controlling influences of right reason, even in a technical and somewhat arbitrary science. It is often objected to the study of our municipal jurisprudence, that, not always depending on natural principles of reasoning, and reposing, in a great degree, on precedent and decision, it fetters, instead of enlarging the mind. Men may certainly study and practise law (and doubtless not a small number do), who know no other reason why a contract should bind, than its being in writing or duly proved, and whose idea of *obligation* is an instrument under seal, or an agreement upon some consideration. As there are many able accountants, who know nothing of transcendental mathematics, and many skilful workmen equally ignorant of mechanics; so are there many clever attorneys that drive a good business, who may marvel to see Mr Hoffman beginning legal education at so remote a point as the nature of man. The point is certainly not necessary for gaining a suit, nor need we quarrel with those who think it therefore useless. But when the question is about forming able advocates, wise judges, and perspicacious lawgivers, it is plain that this ordinary education will

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do no longer. When the file affords no precedent; when we are to travel out of the record; when the index presents no case in point; we are obliged to revert to first principles, and spin for ourselves that thread of ingenious deduction, which is not ready made to our hands. It is this kind of legal education that our author contemplates in his different publications, and in the work under review. Students will fill up his outline with more or less diligence. Many (for the world is not full of capacious geniuses) will slight these elementary and auxiliary studies; perhaps he himself expects few disciples of that constancy of purpose and enlarged ambition, which he would prompt and aid. The standard of science however, like that of morals, ought not the less to be set forth, because the greater part of persons may be confidently expected to fall short of it; and we are well assured, that such as explore the paths he has indicated, will neither find that they lead too far, nor fail to gather intellectual force and vivacity from the excursion.

The present volume will not be without some attractions, however, of a general nature. While it enables the law student to push his researches in a just order, and with the least waste of his energy, it may answer the different purpose of satisfying the curiosity of cursory readers on a number of interesting topics in ethics and universal law. There will be many of this sort, who, prevented from seeking the fountains from which the author has drawn, will be glad to contemplate their streams thus collected in a reservoir. Numbers read Blackstone's Commentaries with pleasure and profit, who would be appalled at the thought of mastering the tomes of black letter, which swell the knowledge, and please in the beautiful method, of those delightful volumes. And so, while the law student will learn to estimate from this work the importance of questions of natural jurisprudence, and their intimate influence on those parts of the science which are positive or conventional, others will be content to limit their inquiries into these subtile topics, by the work itself. Among these topics there are some sufficiently absurd, and in which learning and argument have been very idly squandered. These have necessarily passed under review in this volume, one part of the design of which is to save the student some useless investigations by exhibiting their futility or their folly. One can hardly know the nature and state of true learning without some knowledge of the false. For general readers, in fine, these distillations of learning, these

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concentrations of the odor of the flowers of science into portable essences, are quite invaluable in the present state of letters. As the empire of knowledge expands its surface, it seems to require its easy roads and its locomotive engines. But durable reputation must continue to be founded on large and correct knowledge in a particular department; and while, in the branches of learning not nearly akin to our proper pursuits, we may bound our inquiries with the labors of the abridger or the analyzer, in those where we aim at excellence, we must only employ them as guides to larger and loftier acquisitions.

In another part of this article, we shall attempt to show how many points of municipal and international law have derived light and authority from the doctrines of natural jurisprudence. We cannot, of course, go into this very extensive subject at much length, any more than we can regularly analyze the contents of the present volume, extending, as it does, to six hundred pages, and touching on most of the questions alluded to. But we may remark, that, in turning over the work, we have been impressed with new convictions of the importance of natutural jurisprudence; and thus convinced of the salutary influence of these more general and abstract branches of legal acquirement, we must take this occasion to speak a little at large on the subject.

It may not, indeed, be very obvious at first sight to a student, why he is detained, for example, in the outset of his studies, with an examination into the unity of the species, and whether this be reconcilable with its variety of color; or into the true origin of political power, whether from divine right, inheritance, prescription, or consent of the governed; or into the actual existence and true meaning of the state of nature; or into the distinction between perfect and imperfect rights; or the extent of the right of extreme necessity, &c. &c. Yet a wrong understanding of some of these points, we doubt not, has had its share in diffusing some of the greatest moral calamities, and exciting some of the most violent political convulsions, which have desolated the race. The history of the slave trade may induce a doubt whether the victims of this tyranny could have been deemed by their oppressors to be of the same rank of being with themselves; nay, we believe it has been justified on a presumed inferiority, of which their color and shape were seriously asserted to be the badge. It will hardly be denied, that the absurd notions which have been

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upheld, of the origin and sanction of political power, have contributed to the number of unwise and arbitrary kings, and of brutish and servile subjects; while false notions of what is called the state of nature, and of the rights of nature, may have added something to the folly and fury of popular and revolutionary delusions. A notion of the true distinction between perfect and imperfect right, might have wrought some modifications in the conventional law of nations, or rather that of kings; and some resorts to the right of extreme necessity might have been spared to the people, if its existence had been recognised by sovereigns, and had inspired a salutary terror in them. Again, in the identity of a state, one of the nice points which are agitated in the books, may be sometimes involved the question of indemnity for spoliations. The origin and objects of civil government enter into the vexed question of expatriation. And the distinction between the social and constitutional compact has, with very opposite results on the tranquillity of the nation, been regarded in one revolution, and lost sight of in another.

How else than by the principles of the natural law, are we to discuss the questions of religious toleration; the obligation of mere positive laws, with the distinction between *mala prohibita* and *mala in se;* the alleged omnipotence of parliament; the rights of extreme necessity (a branch of which has been already alluded to), and of harmless profit; the nullity of *ex post facto* and retroactive laws; the right to pursue fugitives and their abducted property into the territories of other nations, upon the ocean, or into regions where jurisdiction is unknown; the extra-territorial operation of civil laws; the right of capital punishment, and the true theory of punishment in general; the nature and effects of occupancy, whether particular or in gross; the appropriation of the ocean, and the doctrine of *mare clausum aut mare liberum;* the extra-patrimonial nature of certain things, such as air, running waters, &c., and the limitations of the same? How, the legality of usury, independently of positive laws; the right of parents to disinherit their offspring; the perpetuity of the marriage contract; the exclusion of aliens from inheriting or holding lands within the territory of a nation; the like exclusion in the case of personal property, and the validity of the *droit d'aubaine;* the extent of parental power, with the crime of infanticide; the numerous questions of intestacy; questions of insanity, and others in medi-

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cal jurisprudence; the validity of foreign marriages; the nullity of marriages for incest, natural or civil, with the effect on this contract of prior or supervenient frigidity? How ascertain the right and extent of eminent domain, and the limitations of despotic sovereigns? All these questions of grand consideration can be solved only by a reference to the principles of the *jus naturæ et gentium*, and those also of human physiology and mental philosophy.

Many of these examples are drawn from public law; but it is equally obvious from others, that the vast body of positive enactments, decisions, precedents, and customs, which together constitute municipal law, have the same fundamental reference to universal jurisprudence. The science, however artificial and technical it may seem, has its pervading abstract principles, from which we must commence all our learning, and to which we must return for a clue, whenever the deductions from them become remote or complicated. These principles, though varied and modified by the genius of the government, or the accidental circumstances of the people, however they may 'take a tincture and taste' from regions and policies, are those of that necessary and eternal justice which we call the law of nature. Grotius, indeed, was led to the contemplation of it, and to the composition of his elaborate work, by tracing the laws of his country to their principles. The student of mere municipal laws, who begins his inquiries into them instructed in the general topics which occupy the writers on ethics and natural jurisprudence; in the nature of obligation, the meaning and essential requisites of a contract, the principles of evidence, the natural rules of interpretation, &c., will find a light continually shed on the path of acquisition, as, at a future day, he will from the same source be able to direct it on his own expositions and demonstrations. By these studies, he will only draw back, as it were, to bound forward with more effect in the field of positive legislation and judicial decision.

A different train of considerations will suggest themselves to those whose views and objects in the law are of a more enlarged kind. The code of natural equity is a body of rules deduced from the constitution and natural condition of man; or it may be considered in another aspect, as that body of rules which is the best adapted to promote his moral happiness. But innumerable accidents give rise to peculiar policies which, however adapted to instant emergencies, may thwart in

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some degree the true aims of political society; and as these particular policies have also their peculiar principles, as their laws are fashioned to promote their ends, the impress of their institutions is felt long after the causes have passed away to which they owed their birth. The rule remains, though the reason of it has ceased; and the facility is wonderful, and not fully conceived by ourselves, with which we become reconciled to institutions which shock, or ought to shock, the natural justice of the mind. It is thus that the feudal nations established, and transmitted to us, the barbarous right of primogeniture, the ungentle law of baron and feme, the cruelty of escheat and attainder, the iniquitous exemption of lands, in most cases, from liability for debt; the injustice of all which, we forget from habit, or excuse because, forsooth, they have a nice consistency with the general aim of the feudal system. A student rises from the elementary writers of the common law so struck with this general coherence, that he forgets the original barbarousness of the system from which the alleged doctrines are drawn. Now though time and necessity work the cure of these defects, and gradually fashion laws to the occasions of society, it is certain that this salutary process of modification and change will be retarded in proportion as the lawyer confines himself to his indigenous jurisprudence. The pedantry thus begotten, made a large part of that jealousy of the English common lawyers, which so long resisted the benign influences of the Roman code; and if it subsists no longer, if we are prepared to select what is most convenient to our altered circumstances, or to that 'universal fitness of things' to which it is the supposed aim of all laws to approximate, our lawyers, judges, and legislators must drink at the fountains of natural equity, in order to scrutinize the written by the unwritten reason, and institute that just comparison of various codes which is a preliminary step to the improvement of any one of them.

These views of the importance of natural jurisprudence are abundantly confirmed by the testimony of lawyers and philosophers. 'Ratio ipsa,' says Bynkershoek, 'ratio juris gentium est anima.' 'The law of nature,' says an eminent jurist of our own country,* 'is the philosophy of morals;—it lies at the foundation of all other laws.' Sir James Mackintosh has indicated the just process of inquiry into it. 'We should,' he re-

* Story's Inaugural Discourse.

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marks, 'first search for the original principles of the science in human nature; then apply them to the regulation of the conduct of individuals; and lastly, employ them for the decision of those difficult and complicated questions that arise with respect to the intercourse of nations.' 'Between the most abstract and elementary maxim of moral philosophy,' he continues, 'and the most complicated controversies of civil or public law, there subsists a certain connexion. The duties of men, of subjects, of princes, of lawgivers, of magistrates, and of states, are all parts of one consistent system of universal morality.'* It was the perception of the existence of this universal and necessary justice, and of the necessity of reverting to it as the standard of comparison for all positive codes, which suggested to the perspicacious mind of Bacon the notion of a philosophical system of jurisprudence, an investigation (to use his significant phrase) of the *leges legum;* an idea which, by his advice and that of Peiresc, was executed, however imperfectly, by Grotius. The same views prompted the following passage, from Adam Smith. 'It might have been expected,' he says, 'that the reasonings of lawyers upon the different imperfections and improvements of the laws of different countries, should have given occasion to an inquiry into what were the natural rules of justice, independent of all positive institution. It might have been expected, that these reasonings should have led them to aim at establishing a system of what might properly be called natural jurisprudence, or a theory of the principles which ought to run through, and to be the foundation of the laws of all nations.'

Such is the importance, and such the intimate relation with both municipal and public law, of the subjects with which Mr Hoffman has principally occupied this introductory volume. We should transcend all reasonable limits, were we to pursue the speculations which the perusal of it has awakened. We find in the first lecture, for example, a statement of the controversy respecting the unity of the species. It might not be guessed, at first view, how a physiological question, respecting the diversity of complexion and features in the different races of mankind, could involve the very foundations of natural jurisprudence. So it was, however, that some curious physiologists, having doubted the common descent of mankind from

* Mackintosh's Introductory Lecture.

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Adam and Eve, a new doubt arose as to the identity of their moral constitution, and consequently as to the universal obligation of the rules of morals. This was a grave difficulty. The question as to the standard of beauty, whether the Hottentot could by any canon of taste be deemed on a footing in that respect with the European, though not less perplexing, was not quite so serious as this; which seemed to imply some doubt whether a negro might not be kidnapped and flogged with less remorse, as not being a brother of the same family; or whether there was not more reason in a Musselman's having two wives, than was generally allowed by Christian people. Our author, while he contends for the unity of the whole race, as the opinion most consistent with physical facts as well as with sacred history, remarks, however, that the diversity of species might not necessarily destroy the universality of the moral law. We certainly do entertain the same opinion. For even should we allow, that the 'crisped hair' of the Negro, and the high cheek bone of the Tartar, rendered it necessary to allot them a different genesis; it would remain to be shown how this altered their moral organization, or why moral rules must vary on their account, any more than for a dyspeptic or hypochondriac patient, both of whom would probably require, with more reason, a relaxation of them. This seems to us to be nearly the amount of all the grave argument on this question, for gravely argued it has been; and most of our author's readers will agree with him as to the universality of a code, of which the great principles have been recognised alike by all races and lineages, and 'to which Moses and Confucius, Seneca and Socrates, have rendered equal homage.'

This has been denied indeed by another class of casuists, who, with the true rage of theory, have ransacked the history of mankind and the narratives of travellers, for the horrible and unnatural in customs and institutions, and set them in terrible array against the generality and uniformity of the code of morals. Our author has given us a pretty copious list of these monstrous deviations from natural feelings and justice in his lecture on the 'Laws of Nature.' We leave it to him to reconcile these exceptions with the general rule, or rather, according to the law maxim, to prove the rule by them. But we may observe here the opposite inferences which have been drawn from these moral dissimilarities in nations. While one party deduces from them the nullity of any universal moral code,

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another out of superserviceable zeal for it, has made them the apology for the most frightful barbarities. Those who excuse the actors of such enormities on the plea of ignorance, of established custom, and the like, have improperly argued from this excusableness of individuals the abstract innocence of the thing; if there is no guilt, say they, there is no penalty, and if no penalty, no law. The other party, again, have argued from the abstract error the individual guilt. Now it might have been wholesome for each to have remembered, that there exists a penalty sufficient both to supply the sanction which seemed wanting to the first, and to have dispensed with the practical zeal of the last. Every deviation from the principles of right reason is accompanied by a corresponding mischief to human happiness. This is the penalty we speak of, and it will seem sufficiently severe to such as contemplate the general condition of those nations in which these more monstrous deviations have been observed. It may not be easy to decide which of these two theories is the more erroneous; but it is not difficult to see of which the disciples have done the most harm; and it is to be wished, that the religious conquerors and the furious zealots, who have roasted misbelievers and depopulated nations for the glory of God, had been better casuists.

We shall advert here to a disquisition in Mr Hoffman's third lecture, both for the sake of the criticism contained in it, and because it leads us to notice some observations of Dugald Stewart on the science of Natural Jurisprudence. Rights have generally been divided by writers on natural law, into *perfect* and *imperfect*. Our author objects to the latter term, as inconsistent with the nature and definition of a right. A right is a power of doing or having a thing consistently with law; and to call any right *imperfect* is to say, in other words, that it is imperfectly consistent with law, a proposition not very intelligible, as there seems to be no middle point between consistency and inconsistency. The distinction arose from its being observed, that the *subject* of some rights was fixed and determinate, while of others it was vague and undefinable; a reason, indeed, why the last could not be ascertained and vindicated, but not for altering their nature, or considering them as infirm or, in the usual phrase, imperfect. There might be a difficulty, says our author, so to limit the subject of the right that it could be claimed and enjoyed, but none to originate the right itself, nor any reason to impair its completeness or per-

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fection. While all rights, too, are equally rights, they are not all of equal importance; and that general utility which has originated the rules of the voluntary law of nations, would consider as subordinate such as would interfere with the exercise of others more essential to the peace of mankind and the good order of nations. These subordinate rights have likewise been classed with the imperfect; but the use of this nomenclature has produced confusion among writers, some classing as imperfect what others have recognised as perfect rights. Some phraseology would be preferable, which should indicate the importance and definiteness of rights, without seeming to impugn their equal abstract consistency with natural justice. Mr Hoffman proposes to call them *primary* and *secondary*, and *determinate* and *indeterminate*. As the abstract perfect right becomes imperfect in practice, because its extent and subject cannot be accurately defined, it might be called indeterminate; and as it is not enforced lest it should interfere with another, the rigorous exercise of which it is of more moment to sustain, it may be termed secondary.

Dugald Stewart thus explains the introduction of the distinction between perfect and imperfect rights in use among the writers on natural law. Justice, he says, is obviously distinguished from the other virtues by two circumstances; 'its rules may be laid down with an accuracy of which other moral precepts do not admit,' and they may be enforced, 'inasmuch as every transgression of them implies a violation of the rights of others.' But as jurisprudence, thus confined merely to the rules of justice, would have opened a very narrow field of study, 'its province was gradually enlarged, so as to comprehend, not these merely, but the rules enjoining all our other moral duties. Although justice is the only branch of virtue in which every moral *obligation* implies a corresponding *right*, the writers on natural law have contrived, by fictions of *imperfect rights* and of *external rights*, to treat indirectly of all our various duties, by pointing out the rights which are supposed to be their correlates. This idea of jurisprudence identifies its object with that of moral philosophy.' * The reader will perceive from these passages how the distinction of rights adverted to sprang up; and we shall not detain him with an inquiry, whether the supposition of the writers spoken of, that

* Stewart's Dissertation on the Progress of Metaphysical, Ethical, and Political Philosophy, Part I. Chapter ii. Section 3.

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every duty involved a corresponding abstract right, was altogether wide of metaphysical truth.

But perhaps a clearer and more comprehensive idea of the scope and extent of natural jurisprudence may be gained by first considering the true meaning of the 'state of nature,' a topic which occupies the second lecture of this work, and which we think very happily elucidated. The state of nature then, says our author, is a hypothetical state, 'a mere *ens rationis*, a state which never had a real existence, and which is founded by philosophers on the doctrine of possible relations,' whence to deduce conclusions relative to the rights and obligations of men. This metaphysical figment contemplates man in the abstract; and the deductions from it, 'the laws of nature, would have been equally true and existent, had never an individual subsisted in a state of nature, the constitution of man being supposed to be the same as we know it to be.'* Now these possible relations cannot all be foreseen or provided for by the most perfect system of laws conceivable; and every *casus omissus*, to use the law phrase, must necessarily be referred to the natural principles of equity; so that if man never existed in a state of nature in one sense, in another he may be said never wholly to depart from it. There are rights, besides, which remain unaffected by government; others, which may revert to individuals on the dissolution of it; and a third sort, which belong to his state or community, as an independent member of the family of nations; so that the law of nature, besides that it is the standard whereby the fitness and justice of all positive laws are to be judged, is also the only code in all that vast variety of cases wherein positive legislation is silent, or where rights remain uncontrolled by civil laws; where accidents dissolve the government, or the question is between independent communities. Of these two last provinces of natural jurisprudence Dugald Stewart makes mention in the following words. 'The contrast between natural law and positive institutions, which jurisprudence constantly presents to the mind, gradually suggested the idea of comprehending under it every question concerning right and wrong, on which positive law is silent. Hence the origin of two different departments of jurisprudence, of which one refers to the conduct of individuals in those violent and critical moments when the bonds

* Legal Outlines, Lecture 2.

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of political society are torn asunder; the other to the mutual relations of independent communities; on the latter so much has been written, that what was formerly called natural jurisprudence, has been in later times not unfrequently distinguished by the title of the Law of Nature and Nations.'* And thus in municipal law, (as we shall presently show,) although the conclusions drawn from the law of nature have not, as in the last instance, been separately embodied, nor taken a distinct title, they form a large and important part of the principles of elementary writers, and of the expositions of the law by courts.

Thus, the inquiry into the 'state of nature,' is not a disquisition whether men, in the words of our author, 'were at first the *mutum et turpe pecus* they are described to be by the poet;' whether society preceded the formation of language, or the latter must necessarily have preceded society; whether there was a peaceable community of goods, as, in the '*golden age*,' is depicted by the poets; nor whether there was that natural and incessant hostility painted by the more gloomy pencil of Hobbes. Neither is the inquiry into the 'rights of man in a state of nature' confined to a few 'speculations about the principles of this natural law, as applicable to men before the establishment of government.' As Mr Plowden has happily remarked, 'the qualities and properties of this state, bear the same analogy to the actual state of man in society, as the principles and properties of mathematics bear to practical mechanics.' It is this abstract and comprehensive standard of right which is contemplated in that idea of natural jurisprudence described by Stewart, of which 'the object is to ascertain the general principles which *ought* to be recognised in every municipal code, and to which it *ought* to be the aim of every legislator to accommodate his institutions.' These are those 'natural rules of justice, independent of all positive institution,' to which Adam Smith refers in a passage already quoted; 'that theory of the principles which ought to run through, and be the foundation of the laws of all nations.' This is that 'right reason' described by Cicero as 'itself a law; congenial to the feelings of nature; diffused among all men; uniform; eternal; not speaking one language at Rome, and another at Athens; addressing itself to all nations and all ages; and

* Stewart's Dissertation, Part I. Chapter ii. Section 3.

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carrying home its sanctions to every breast by the inevitable punishment it inflicts on transgressors.' It is that natural law spoken of by Grotius, 'coëval with the human constitution, from which positive institutions derive all their force.' And this is the *desideratum* in science to which Bacon refers; namely, 'by investigating the principles of *natural justice*, and those of *political expediency*, to exhibit a theoretical model of legislation, which, while it serves as a standard for estimating the comparative excellence of municipal codes, may suggest hints for their correction and improvement;'—to seek out those 'leges legum ex quibus informatio peti possit, quid in singulis legibus bene aut perperam positum aut constitutum sit.' *

It is not within our scope to inquire, how far this system of natural jurisprudence has been revealed in the works of those who have written upon it. It has been objected to them, that they reason concerning laws too abstractly, and without sufficient reference to 'the particular circumstances of society to which they meant their conclusions should be applied.' † Bentham remarks that, 'if there are any works of universal jurisprudence, they must be looked for within very narrow limits;' and that writer would have those of the expository kind to be confined wholly to *terminology*, that is, to the explanation of words connected with law, as *power*, *right*, *obligation*, &c. in order to be susceptible of a universal application. Stewart's censure of this opinion must be admitted to be sufficiently light, when he says, 'He certainly carries this matter too far.' Bentham's description of Natural Law is but too just, if we confine it to the manner in which the science has often been treated by writers. He calls it 'an obscure phantom, which points sometimes to *manners*, sometimes to *laws*, sometimes to what the law *is*, sometimes to what it *ought to be*.' This is eminently true of the treatise *De Jure Belli ac Pacis*. But if the description be designed, remarks Stewart, 'for the Law of Nature, as originally understood among ethical writers, it is impossible to assent to it without abandoning all the principles on which the science of morals ultimately rests.'‡ While it may be accorded to these two writers, that an abstract code of *laws* is unphilosophical in design as well as useless in execution, the same objections can by no means be made to works

* De Aug. Scient. Lib. viii. cap. iii. De Fontibus Juris. Aph. 6.
† Stewart's Dissertation. ‡ Ibid.

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professing to treat of the *principles* of legislation. We confess, then, we do not understand why the Scottish philosopher, while he admits the utility of a comparative view of the municipal institutions of various nations, should doubt 'whether this can be done with advantage by referring these institutions to that abstract theory called the *Law of Nature*, as to a common standard.' He would have 'the code of some particular country fixed on as a groundwork for our speculations; and its laws studied, not as consequences of any abstract principles of justice, but in connexion with the circumstances of the people among whom they originated.' On the contrary, such works as we have adverted to, examining and embodying such general principles as should pervade all laws, and illustrating them by a comparison with municipal laws, when either they coincided or differed, would, it seems to us, possess very obvious utility. For whether our aim was to determine the reasonableness of particular institutions, or to compare the merit of corresponding laws in different nations, it would be necessary to have some standard of comparison. How else arrive at any conclusion, either as to the reasonableness of an institution, or the respective merits of the laws compared? However philosophical it may be to estimate the policy of laws by reference to the peculiar circumstances of nations, it will hardly be denied that there are some principles quite independent of these, and which must therefore be common to all.

We think it will scarcely be denied that in one branch of jurisprudence, that part of international law we mean, which is commonly called conventional and customary, some such standard is requisite for appeal and correction. Rights have been set up on the ground of these, by the powerful and ambitious, which have been resisted on those broader grounds which are furnished by the law of nature as applied to the transactions of independent communities; and there have been writers who have insisted that the decrees of natural justice, as applied to nations, vary from its injunctions as regards man and man. To estimate aright this opinion, which has been found so convenient to long subsisting usurpation, it is necessary to advert to the distinction between the *necessary* and the *positive* law of nations; the first of which is that general and fundamental standard to which we have so often referred, and which, in the words of Hobbes, can suffer no necessary change; while the latter being, or supposed to be, founded on the first, or not

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to contradict it at least, must be judged by its correspondence with, or deviation from it. This positive law of nations is of three kinds, the *voluntary*, the *conventional*, and the *customary*; the two last being those compacts which have either been positively established, or have been tacitly admitted, between the nations, and are therefore obligatory only between the parties; while the first, being such general rules as have been found convenient for the welfare and common safety of nations, is on the contrary of universal obligation. Now these conventional and customary parts of public law may, or may not, be repugnant to the necessary; and whatever may have been the practice, the compacts, or the customs of power, they must be judged by a superior law, and resisted, when wrong, by a paramount right. Examples of such usurpations, and of such resistance to them, will suggest themselves to the reader; and in order to measure that resistance, it is necessary to refer to the principles of that universal justice arising out of the constitution of men and states, and serving therefore as a test of the acts of both. Nay, as the voluntary law of nations itself must sometimes tolerate what is inconsistent with the necessary, because the vindication of the latter might interfere with general liberty and reciprocal independence, it cannot be regarded as actually and always immutable. It is a principle, for example, arising out of an obvious policy, that one nation shall not interfere with another in its internal regulations, however unjust; yet perhaps the interposition of the European Powers in behalf of Greece is not in the strictest conformity, in this respect, with the voluntary, however consistent with the necessary law of nations.

It is observed by the distinguished writer whom we have so often quoted,* that the alliance established between the law of nature and the conventional law of nations, by the writers on these subjects, had the effect of presenting more enlarged and philosophical views to the minds of speculative statesmen, and led to more liberal doctrines respecting commercial policy, and the other relations of states. But we shall now dismiss this part of the subject, and proceed to show briefly what frequent reference to these natural fountains of justice is to be found also in the decisions of the ordinary tribunals, both in England and this country.

In every country, ancient and modern, positive laws, as we

* Stewart's Dissertation.

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have before remarked, must fall very short of the aims of government, and of distributive and commutative justice. Hence have sprung the prerogatives of commutation, dispensation, and pardon; hence arose the salutary jurisdiction of the Roman *prætor*, the ample powers of British and American courts of equity, and far the larger portion of the common law, in which, from time to time, and as occasion demanded, the principles of natural justice were embodied. The history of that system shows the justice of Professor Millar's remark, that, after other questions of natural justice had also become numerous, they were likewise necessarily classified according to their principles, and formed the equity system; so that law and equity went on in perpetual progression, the former continually gaining ground on the latter. Thus 'every new and extraordinary interposition is, by length of time, converted into an old rule. A great part of what is now *strict law*, was formerly considered as *equity;* and the equitable decisions of this age will unavoidably be ranked under the strict law of the next.*

Such, of necessity, was the original meagerness of positive legislation, that, had the judges regarded only the letter of the existing laws, the legislature could not have kept pace with the daily wants of the people, and the courts would have been almost without employment. By a happy, and indeed unavoidable compromise between the legislative and judicial departments of the English government, it soon came to be established in theory, and was daily reduced to practice, that there is a vast fountain of preëstablished principles or rules of adjudication, which, by a process of sound dialectic, are ascertained and applied by the judges to the new and ever-varying combinations of facts as they arise; and from this power of judicial interpretation, and application of principles to facts, the judge is said to *declare* the law, not to *make* or promulgate it. Under this view is it that the 'laws of God,' the 'laws of nature,' and the 'laws of nations,' are considered as integral portions of our common law; and in the gradual progress of adjudication through the lapse of ages, the judges, by a strict adherence to what has been called the 'principle of precedent,' and the 'principle of analogy,' have been enabled to build up the existing fabric of English and American law, which, with all its admitted defects, must still be regarded as

* Millar's Historical View of the English Government, p. 478.

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surprisingly systematic. The rule of *stare decisis*, so strictly adhered to wherever title to property, and not the mere mode of procedure, is concerned, has given to that system its certainty and general equity, though at the expense of occasional individual hardship. It is manifest, therefore, that the laws of England and of this country are not to be found in the statute books only, nor in the superadded volumes of judicial reports, nor in Plowden nor Coke; nor would they be found in the most elaborate codes that could be formed. We must still draw from that exhaustless fountain of reason and abstract justice, the code of natural law, much of which is reflected in the pages of Grotius, Wolfius, Puffendorf, Vattel, Bynkershoek, and others. This code, and these authorities, have been often appealed to, and will continue to be, we hope, by British and American judges; and we have pride in perceiving that some of our American jurists have been warmly praised by their trans-Atlantic brethren,* for their exertions to make jurisprudence in this country a science more equitable and philosophical than it has been regarded in England. This they conceive is to be promoted, as Mr Du Ponceau has declared, by establishing it as a maxim, 'that pure ethics and sound logic are also parts of the common law.' † The parallelism of the Roman code with the natural law has been the boast of its admirers; and it has been the aim of some American jurists, among whom our author is to be numbered, to draw the attention of students to the consideration of that great body of wisdom, less jealousy of which in the common lawyers would have been fortunate for the improvement of the common law.

Our limits do not allow us even to glance at the numerous instances in which this view of the law of nature, as comprehended in the common law, has been sanctioned by the judges and lawyers of England. 'If any case happen for which there is no statute or precedent, common law shall judge according to the law of nature and the public good.' ‡ Blackstone, in his Commentaries, regards the law of nature as an integral part of the laws of England, and as paramount whenever they come in conflict.§ The same doctrine is inculcated by St Germain,‖

* London Jurist, for March, 1827, and Park's Contre-Projet to the Humphreysian Code, *passim*.

† Du Ponceau on Jurisdiction. ‡ Jenkins, Centu. 97, 117.

§ Commentaries, 42. ‖ Doctor and Student, Dialogue i, Chapter 5.

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by Wynne,* by Bentham,† by Lord Coke,‡ Lord Hobart,§ Bracton,‖ Fortescue,¶ and many others.

The law of nature has been appealed to in numerous legal and other discussions besides those already mentioned, and the authority of writers upon it has been admitted with as much respect, as is accorded to the approved treatises on various branches of the municipal law by a Fearne, a Hargrave, a Butler, or a Preston. It was thus in the question, whether by the Common, as by the Roman law, gifts are subject to repetition for gross ingratitude in the donee.** By the civil law, an emancipated slave returned to his state of servitude for flagrant ingratitude to his master; in England, the maxim was, *Semel manumissum semper liberum.* This law was likewise appealed to on the question of *Commendam.*†† As to the means of distinguishing between things *mala in se* and *mala prohibita*, Chief Justice Vaughan, in the case of Thomas *versus* Sorrell,‡‡ delivered a most able and learned opinion, showing his intimate acquaintance with the law of nature, and the writings of Selden, Grotius, and others. (See also Foster's Discourses, Disc. ii, ch. 1; 12 Coke's Reports, 76; Lord Macclesfield's speech on Impeachments, and Stillingfleet on Resignation Bonds.) So, likewise, as to allegiance, in Calvin's celebrated case, and as to the rights of the *antenati* and *postnati*, Lord Coke greatly relies on the *jus naturæ*, and speaks of it as the *lex æterna*; and he seeks for its lights in all the treatises then known.§§ We might also here refer to the celebrated controversy between Milton and Salmasius as to the legality of the proceedings of Charles the First; to the discussions relating to the exaction of ship-money, and those relative to the dispensing power; in all which the laws of nature and nations were discussed and relied on. Nor can we omit to mention the elaborate opinions of Chief Justice Vaughan in the cases of Harrison *versus* Dr Burwell, ‖‖ and Hill *versus* Good, ¶¶ in which the law of nature

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* Eunomus, Dialogue i, Section 17.
† Fragments on Government, 109. ‡ 7 Coke 126; 3 Institutes.
§ Reports 87, 149, 225; 12 Modern, 687.
‖ Liber i, Chapter 1. ¶ Chapter 8.
** 3 Institutes, 151; Doctor and Student, Dialogue i, Chapter 6; Dialogue ii, Chapter 45.
†† Hobart's Reports, 149.
‡‡ Vaughan's Reports, 331. §§ 7 Coke, Calvin's Case, 12 b.
‖‖ Vaughan's Reports, 207—250. ¶¶ Ibid. 302—329.

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was fully investigated on the subjects of incestuous marriages, and of the nullity of laws for want of promulgation. These opinions could have been pronounced only by a judge who had extended his researches much beyond the confines of the strict common law of England. In connexion with these opinions we may refer to Aughtie *versus* Aughtie,* Burgess *versus* Burgess,† Butler *versus* Gastrill,‡ Wightman *versus* Wightman,§ and finally to the question of the validity, under the *jus naturæ*, of a man's marriage with his deceased wife's sister, the affirmative of which was maintained by Mr Noah Webster,‖ and the negative by Dr Livingston.¶

The natural law has also been relied on in cases where the question was involved as to the mode of acquiring and parting with property in things *feræ naturæ ;* and in Fennings *versus* Lord Grenville,** Gillet *versus* Mason,†† and Buster *versus* Newkirk,‡‡ it was decided on its principles, that property in such things can be gained only by possession and not by pursuit. The second of these cases, and that of Wallis *versus* Mease,§§ related to the property of a swarm of bees ; that of Pierson *versus* Post,‖‖ to the right of killing a fox pursued by another ; yet they were not settled without reference to Grotius, Puffendorf, Barbeyrac, and Bracton. A melancholy instance of a resort to one of the rights of nature, that arising from extreme necessity, is related in a note to page 124 of the 'Legal Outlines.' It is the story of the carpenter, who, with his son, was engaged in repairing a steeple in a country town. The boy was seized with a vertigo when at a lofty point of the spire ; and the father, who was a few feet below him, finding that his son's fall would inevitably involve his own destruction, gave the ladder a tilt in a direction from himself, and precipitated the child to the earth. We do not know that he was ever tried for this act of dreadful necessity.

The right of *gleaning*, as being what is called *harmless profit* by writers on natural law, was at one time held in England to be a common-law right. It has twice been the sub-

* 1 Phillimore's Reports, 201.
† 1 Haggard's Reports, 386.
‡ Gilbert's Reports, 156.
§ 4 Johnson's Chancery Reports, 343.
‖ Essay's 1790, Number 26.
¶ Dissertation, published in 1816.
** 1 Taunton's Reports, 242.
†† 7 Johnson's Reports, 16.
‡‡ 20 Johnson's Reports, 75.
§§ 3 Binney's Penn. Rep. 546.
‖‖ Caine's New York Reports, 176.

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ject of legal adjudication there, and is now denied to be law.* The right to literary property, independently of positive laws, has also been discussed in England with perpetual reference to the principles of natural jurisprudence, especially in the great case of Miller *versus* Taylor.† Dependent on the principles of this universal law, and the subject of frequent judicial investigation, is also the right of *eminent domain*, or the sovereign power inherent in all governments, of appropriating private property to public uses, after just compensation made. The reader may see in what manner this subject has been treated, in Leader *versus* Moxon,‡ Rex *versus* Cook,§ case of the Isle of Man,‖ Lindsey *versus* the Commissioners,¶ the People *versus* Platt,** and Bradshaw *versus* Rodgers.††

Whether civil laws create a moral obligation to their observance, or leave it optional either to obey them or submit to their penalties, is a question which has often been made, and which can be solved only by an examination of the principles of ethics and natural jurisprudence. Moralists have generally decided in favor of the moral obligation. Blackstone, who has inculcated a contrary doctrine,‡‡ has been ably refuted by Mr Sedgwick in his 'Critical Remarks on the Commentaries,' §§ and also by Judge Tucker in an annotation.‖‖ In the case of Aubert *versus* Maze,¶¶ the question was as to the right to recover back moneys paid on a transaction *malum prohibitum*. The court had no hesitation to repudiate the distinction attempted to be set up, between the right of repetition in this case and where the transaction was *malum in se;* and the judges stated emphatically, that civil laws create a moral obligation to their observance. Mr Hoffman adverts several times to this topic; and his consideration of the nature of *obligation*, of *sanction*, and of the general properties of law, will set it in a point of light sufficiently clear.*

We might embrace in this view, the many discussions which have occupied English and American courts, as to slavery and the slave trade; whether the laws of any country which

* Steel *versus* Houghton, 1 Henry Blackstone's Reports, 53; 3 Blackstone's Commentaries, 212. † 4 Burrow's Reports, 2303.
‡ 3 Wilson, 461; also Sutton *versus* Clark, 3 Campbell, 403.
§ Cowper's Reports, 26. ‖ Cited, 2 Dallas, 214.
¶ 2 Bay's Reports, 38. ** 17 Johnson, 215.
†† 20 Johnson, 103. ‡‡ 1 Commentaries, 57. §§ Pages 52—64.
‖‖ Tucker's Blackstone, 58. ¶¶ 2 Bosanquet & Puller, 375.
* Legal Outlines, 70, 272, 282, &c.

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sustain slavery, have any extra-territorial operation, so as to call on the courts of other countries to respect the right of property in slaves; whether the slave trade be in violation of the law of nature, or of the voluntary law of nations; whether that trade be piracy independently of treaties, making it so as between the contracting parties, &c. &c. Our author, in his inquiry into the legal causes of slavery, and how the state of the parent may affect that of his offspring, admits, in the course of his volume, that it may legitimately arise from individual consent, from the necessary disposal of parents, from birth, from the obligation to make reparation for damage done to individuals or to the public, and, lastly, from just war;—all, however, with great and important limitations of the abstract doctrine. He properly distinguishes, on the general question of the alienableness of liberty, between natural, civil, and political liberty, the losing sight of which distinction has been productive of some errors. As to political liberty, when it is considered that, in its absence, no other sort, whether natural or civil, can ever be long or entirely safe, we may certainly conclude with our author, that he who 'yields it up on any occasion whatever, when it can be asserted with any prospect of success, commits such a crime against a prudent economy of his rights, as merits the appellation of a great enormity.'* Our Declaration of Independence asserts the unalienableness of liberty, and the history of human affairs seems to show it is hardly ever entirely alienated in fact. 'There will be found,' says Mackintosh, 'no institution so detestable as an absolutely unbalanced government;' nor has there been any despotism so complete as to prevent the occasional assertion, by the people, of their right to draw back the regards of their rulers to the consideration of their happiness. In these governments, a sudden struggle restores for a while, and in some degree, the balance which free policies aim to secure by regular checks *in favorem libertatis*.

Somewhat in connexion with this subject is the topic which occupies our author's fifth lecture, the 'right of civil government;' that is, on what foundation reposes the authority entrusted to rulers. An American refers that authority but to a single source, the consent of the governed; and so widely and deeply is this maxim established among us, that we hard-

* Page 138.

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ly comprehend the opposite and absurd doctrines which have been applied by writers far from contemptible. We hear with incredulity, that royal authority has been defended on the score of *possession*, as if the vulgar adage were as true in politics as in litigation, and as if the *fact* of ruling ill conferred the *right* to do it; that it necessarily descended by *inheritance*, or was unalterably confirmed by *prescription* and *ancient consent*, as if the right, and, we presume, the talent to govern, might be transmitted like an heir-loom; or that it arose out of the *virtues* of rulers, according to the strange conceit of Plato and Aristotle, who held good men to be kings *de jure* and *de facto;* a doctrine which would invalidate the title of many reigns, and cast infirmity sometimes on the elections of the people. Even those who have agreed on *expediency* as the source of the right of civil government, have differed on a very important point, the advocates of kingly power being unwilling to submit to the governed the determination of this expediency; while, in this country, we refer it wholly to their judgment, that is, in the language of natural law, to 'the consent of the governed.'

By what other tribunal shall we determine either the abstract right of government or its particular form, than by this general consent, which decides even the principles of the natural law, and pronounces on vice and virtue themselves? For though, according to our author, a man's assent to actions cannot alter their quality; though there exists a 'fitness of things,' independent of all human opinion, and often mistaken by it; by what other means than human opinion is this fitness to be ascertained; where resides this expediency but in the common judgment; and how is it to be settled, in the particular matter of government, but by the consent of the governed? While this expediency, therefore, must be 'the law to each man's conscience,' there is no human tribunal to enforce that law, except such as may be established by the common consent, or, what comes the nearest to it, and is equivalent to it for this purpose, the consent of the majority; to which foundation, therefore, which is that of our own, our author refers all legitimate government.

This subject is discussed by Mr Hoffman with clearness and good sense. The same praise, indeed, may be emphatically extended to the whole of the lecture on the 'right of civil government.' The seventh, on 'law and its general properties,' evinces both research and thought; and the subject of

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the source of the law of nature is well treated in the eighth. Our limits compel us to pass over several matters in the volume, which we intended to make mention of, as well to express our opinion of the manner in which they have been discussed by the author, as to prove the general interest and importance of the questions with which the work is occupied, and their connexion with the studies of the student of mere municipal laws, as well as those of the publicist and the politician. The lecture on feudal law, which concludes the present volume, the first part being a general view of that system on the continent, the second, of its particular modifications in England, is a concise but spirited and lucid abridgment of what may be found more at large in the writers on this subject.

Amidst the great variety of topics treated, or touched on, in this elementary work, we have always to praise the industry with which different opinions are collected and collated, and generally the conclusions at which our author arrives. His method is clear, and his style, for the most part, accurate and easy. Some peculiarities, among which is the occasional too lavish use of epithets, might indeed be pointed out; and he winds up his discussions too frequently with apologies for their introduction or their length. These peculiarities are least apparent when the author grows engaged in his subject, or is employed on topics purely legal. Though the work pretends to no more than the elementary or institutionary character, some of the disquisitions do honor to both the author's ingenuity and his learning. These will be received with respect by that portion of his readers, whose *recollections* only he aims to awaken, while the more familiar points of information abounding in the volume will be generally useful and satisfactory to students. His love of learning is very obvious; nor do we think he overvalues the importance of ethics and natural jurisprudence to law students. If he sometimes praises works on these subjects which have admitted defects, it is probably because he thinks them unduly neglected; for in his 'Course of Legal Study,' as well as in the work under review, he has shown that he has read them, and wishes them to be read, with due selection.

The earnest conviction, indeed, so apparent throughout the present publication, of the benign influence on the minds and studies of jurists, of ethics and metaphysics, brings to remembrance the observations of Professor Stewart on the latter; 'a

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word,' he remarks, 'formerly appropriated to the ontology and pneumatology of the schools, but now understood as equally applicable to all those inquiries which have for their object to trace the curious branches of human knowledge to their first principles in the constitution of our nature.' 'Accordingly,' he continues, 'it will be found, on a review of the history of the moral sciences, that the most important steps which have been made in some of those, apparently the most remote from metaphysical pursuits, (in the science, for example, of political economy,) have been made by men trained to the exercise of their intellectual powers by early habits of abstract meditation.'

On the whole, we greatly commend the scope and general execution of the present volume; and are led to anticipate that the analytical and philosophical spirit displayed in it, will, when extended to the whole scheme proposed by the author, produce a comprehensive elementary work, both useful to students, and acceptable to the profession generally.

ART. VI.—1. *Debate in the British House of Commons on the American Tariff, July* 18, 1828.

2. *The American Tariff;* an Article in the Edinburgh Review for December, 1828.

3. *Commerce of the United States and West Indies;* an Article in the London Quarterly Review for January, 1829.

IN our late article on the 'Definitions in Political Economy' of Mr Malthus, we took occasion to allude to some remarks upon the Tariff thrown out by a writer in the Edinburgh Review, in a preceding number of that journal; and intimated that if he should, as he then expressed the intention of doing, enter upon a formal discussion of the subject in a future number, we might perhaps in turn be induced to offer some further observations upon it in reply. The writer alluded to has since redeemed his pledge, by publishing the article of which the title is quoted above. It is not, we think, very powerful in substance, or very courteous and candid in manner, and of course does not imperiously call for an answer. But as the question is still under controversy among ourselves; and as British opinions on all subjects have a good deal of weight in this country, although

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upon this at least, in which Great Britain is a party directly interested, they are perhaps entitled, as such, to very little; we shall briefly examine on this occasion those which are stated in the article alluded to, as well as those which have been put forth in one or two other quarters of considerable authority in the mother country in reference to the same subject. The article in the London Quarterly Review, of which the title is prefixed, is principally devoted to the question of the Colonial trade, but takes up at the close that of the Tariff, and it is to this latter part alone that we propose at present to direct our attention. The debate in the House of Commons was short and accidental, but afforded opportunity for several members of different parties to express in general terms their respective views; and it is more for this reason, than for the purpose of particularly noticing the arguments advanced by the speakers, that we have included it among the subjects of this article.

It is in fact the most remarkable circumstance in the state of opinion upon this question in the mother country, that all persons of all parties, who have said anything about it, have concurred, we believe without a single exception, in condemning the American system. Whigs, tories, and radicals, economists and anti-economists, politicians that differ completely upon almost every other point, seem to agree exactly upon this. Thus in the House of Commons Mr Huskisson, a liberal tory, opens the debate by a decided condemnation of our protecting policy. Mr Hume, a thorough reformer, is equally clear against the system, although he finds some apology for it in the British corn laws. Mr Peel, the minister, and a pure tory, agrees with pleasure to Mr Huskisson's request for a copy of the Tariff, and cordially joins him in denouncing this unlucky measure. Messrs Trant, Robinson, and Stuart hold the same language; and finally Mr C. Grant closes the debate by expressing the satisfaction he had experienced on hearing his Right Honorable friend (Mr Huskisson) bring forward the motion, which is then agreed to without opposition. This unanimity among the different parties in the House is, we think, a remarkable thing; and it is also worth attention that most, if not all the persons, who have expressed opinions against the Tariff on this and other occasions, are more concerned about the interest of the United States than that of England. They pass over, somewhat lightly, the question, how far this measure may affect their own manufacturers, and are generally inclined to think

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that it will do them little or no harm; but they are all fully satisfied that it is fraught with the most pernicious consequences to us. Mr Huskisson states 'his decided impression, that the interest of the United States would be greatly prejudiced by the course they were about to pursue, and declares that he can prove it to a demonstration;' but 'does not apprehend that Great Britain will suffer by the duties which the Americans have imposed for the protection of their industry.' Mr Hume pronounces the protecting policy 'foolish, narrow, injurious, and mischievous;' and adds, that it was 'manfully opposed by *all* the intelligent men in Congress;' but, has no hesitation in saying, that, 'if America should shut out every article of British manufacture, an ample market for them would easily be found in other quarters.' Mr Peel 'has no doubt that even should the immediate result be to encourage our domestic industry, the final effect would be against us;' and Mr Grant 'rejoices that the subject has been started, because it affords an opportunity for giving us a little wholesome advice in regard to the mistaken course of policy which we are pursuing, and which must in the end operate to the detriment of the funds of the United States, by lessening the amount of our import duties, and making it necessary for us to increase our direct taxes.'

The same exclusive regard for the interest of the United States is observable in the opinions expressed in other quarters, and some of these good-natured critics are evidently quite out of humor with us for not being more attentive to our own good. 'If America,' says the Courier newspaper, 'fancies that she will promote her own prosperity by shutting herself in surly selfishness from the world, she will be grievously disappointed. The system of exclusion laid down in this Tariff will produce her as little profit in a commercial view, as honor in a national one.' In like manner the burden of the article in the Edinburgh Review now before us is the fatal influence which the Tariff must necessarily exercise, not on Great Britain, but on ourselves. 'What we object to in their conduct,' says the Review, 'is, that they mistake wherein their own interest really lies, and that their restrictions and prohibitions, by narrowing the field of commercial enterprise, are a public and general nuisance, though it is certain that they are infinitely more injurious to themselves than to any other people.' Again, in a tone of mingled flattery and reproach, like that of a kind parent endeavoring to coax a promising but wayward

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boy; 'Why should Jonathan, who is so very sharp-sighted on other practical questions, be so very blind on this?' and afterwards, in the same style of elegant pleasantry; 'Who will now presume to say that John Bull is the greatest goose in the world? Had he been in Jonathan's place, we believe he would have said, that it was clearly for his interest to buy his woollens, cottons, and hardware, wherever he could get them cheapest.' 'In our ignorance we long imagined that John Bull had been the most gullible of animals, but if Jonathan can swallow such assertions as these, then John has not a vestige of claim to that distinction.' All this display of argument and humor is completely disinterested, for 'America cannot inflict any material injury on us by refusing to buy our products, although at present she might injure us by refusing to *sell*.' The writer in the Quarterly does not yield in disinterestedness to his brother of Edinburgh, and is, if possible, even more decidedly and exclusively American. 'We shall point out the effects of the Tariff, not as they regard Great Britain, France, Russia, Germany, and the Netherlands, but as they regard the interests of the United States as a whole.' He then proceeds to enlarge upon the subject, principally under a political point of view; enters at some length into the controversy that has arisen among us, whether the Tariff law be or be not consistent with the constitution; and concludes by affirming, that whether we succeed in preventing the importation of foreign manufactures, or whether the people obtain their supplies by the contraband trade, the Tariff will in either event infallibly destroy the revenue. Notwithstanding the complete security felt by these writers in regard to the effect of the Tariff on British interests, they sometimes admit, for argument's sake, that it may to a certain extent diminish the imports of manufactured goods; but the supposition of even this extreme case gives them no alarm. They have a remedy prepared, to the application of which they evidently look forward with much complacency. There is a grand corrector ready, whose influence upon vicious commercial and financial legislation they consider as hardly less beneficial, than that of the school-master is supposed by Mr Brougham to be upon political institutions in general. 'The smuggler, provided we allow him to bring back equivalents, will take care of our interests.' Under such high protection they are of course safe;

'The gods take care of Cato,'

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and the British statesmen and writers are quite at leisure to devise the best means of saving poor Jonathan from the disastrous consequences of his own ignorance and folly.

Poor Jonathan will doubtless feel himself too highly flattered by these unusual testimonies of interest and friendship on the part of his respectable elder brother to suppose for a moment that anything more is meant than meets the ear; nor will he probably resent very highly the reflection implied in them upon his capacity to take care of himself, when he finds it sugared over by so many pretty compliments and fond familiarities. Admitting therefore that the regard for our interest professed by these writers, and by all classes of the British public on this occasion, is entirely sincere and disinterested, and offering with equal sincerity our best acknowledgments in return, we may still perhaps be permitted to inquire, whether it be quite certain that this zeal is according to knowledge. Are our transatlantic friends so fully acquainted with all the circumstances, geographical, statistical, and political, of our situation, as to be able to judge with unerring certainty, at three thousand miles' distance, what measures will best promote our good? Supposing their disposition to serve us to be as great as our own to serve ourselves, and their ability as much greater, as they may think proper to imagine it, do they possess the complete magazine of facts which would enable them to exhibit this disposition and exert this ability in such a way as to produce beneficial results? Is not their inferiority to us in this latter respect necessarily as obvious, as their superiority may be, and in their own judgment probably is, in the other? Differences among intelligent and candid men turn much less frequently upon general principles, than upon the manner of applying them. In this particular case there is little or no dispute about principles, and the only question is about the form under which acknowledged truths are to be reduced to practice in the United States. Now will any British statesman of tolerable candor undertake to affirm, that his advantages for coming to a correct opinion upon such a question are equal to ours? Would any prudent British physician so far commit himself, as to declare positively upon the strength of a reported case, that a patient who had received the best medical advice that could be had at New York or Boston, had been improperly treated? And yet how few and simple are the symptoms of even the most difficult and complicated case of illness com-

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pared with the vast variety of details that make up the situation, for the time being, of a great community, and which must all be kept in view for the purpose of legislation, especially on matters of an economical kind? The very maxim upon which the British writers found their reasoning against the protecting system is, that every man understands his own interest best, and will take better care of himself, than any body else can take of him. But is not this principle, the general correctness of which we readily admit, as true of communities as it is of individuals? Is it not as completely against these writers on one view of the case, as they suppose it to be against us on another? It is quite clear that the very argument upon which they rest with so much apparent confidence, may be urged by us as a peremptory and unanswerable plea to the jurisdiction of their tribunal, and ought to prevent any British politician from pretending to offer an opinion on the subject in any other way than as a matter of general speculation.

There are two inconveniences in reasoning from general principles without a sufficient knowledge of the circumstances under which they are to be applied. One is, that we are apt to leave out of view facts of importance, that ought to be considered, and the other, that we are apt to keep in view the facts of the case with which we are most familiar, but which may not exist in the one before us. It is easy to see, upon a survey of the British opinions upon our Tariff, that the judgments of our transatlantic friends have been warped by both these causes of error. They take no notice, as we shall have occasion to show, of the various weighty and urgent considerations deduced from the actual situation of the United States, which in our minds are completely decisive of the whole question; and they evidently reason on the supposition of a state of things similar to that which now exists in Great Britain. The general introduction, throughout the world, of the system of an unrestrained importation of foreign manufactures would be highly beneficial to Great Britain; therefore it would be highly beneficial to every other country. Such is the sum and substance of the argument. But mark the difference of the operation of this principle under the different circumstances of Great Britain and the United States. As respects the former country, where capital is abundant and almost every branch of manufactures flourishing to an unprecedented extent, the effect

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of the general introduction of the principle is to facilitate the entrance of British manufactures into foreign markets. As respects other countries, that are differently circumstanced, and especially the United States, the effect is to facilitate the entrance of foreign manufactures into the domestic market. In the former case it encourages domestic manufactures; in the latter, it destroys them. Can it be maintained with a shadow of plausibility, that a principle which, under different circumstances, produces such directly opposite results, is to be applied indiscriminately throughout the world, without consideration of the actual situation of particular countries? The precise object of the British politicians in desiring the extension of the system of free importation, is to encourage their own domestic manufactures. We find no fault with them for this, but, on the contrary, approve and admire the zeal with which they pursue a really valuable and patriotic purpose. But can they in turn complain, if we pursue the very same purpose of encouraging our domestic manufactures, though by a different process? Or if they do, is it not obvious to the slightest observation, that they are viewing our policy through the medium of their own interest? Of this again we make no complaint. It is quite natural, and perhaps commendable, that British statesmen should look at everything through British spectacles. But are we to be the dupes of such palpable sophistry? If we are, we shall exhibit but little of the sagacity which the Edinburgh Reviewer is pleased to consider as a characteristic of Jonathan. The grossness of this sophistry was well exposed by Mr de St Cricq, the late intelligent French minister of commerce, in conversation with Mr Huskisson, who was exhorting him to consent to place the relations of the two countries upon the footing of low duties, and a reciprocally free importation of their respective products. The anecdote has found its way into the newspapers, and is worth repeating and keeping in mind. 'The system you propose,' said Mr de St Cricq, 'is excellent for you and detestable for us for precisely the same reason; that is, because we both wish to extend and foster our domestic industry. The operation of it would be to ruin our fabrics, and to build up yours. It is a natural if not a modest request in you to urge us in this way to sacrifice our resources for your benefit; but if we are not surprised at your making the proposal, you will probably not take it ill that we decline it. When our

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manufactures are so well established and flourishing as to defy competition, and command the markets of the world, we will then consent to admit yours on a footing of reciprocity. Till then, permit us to adhere to our present policy.' If Mr Huskisson did not wince a little at this retort courteous, his *power of face* must be at least on a par with his intellectual talent, which is certainly respectable.

The beautiful consistency of the British mode of reasoning upon this subject is rendered, if possible, still more conspicuous by a recollection of the suddenness of their conversion to the principle of free and unrestricted trade. For centuries in succession, they kept their ports hermetically sealed against any foreign product, which could possibly be made at home. If every bale and parcel of manufactures from every part of the world had been infected with the plague, the exclusion could not have been enforced with a more strict and relentless jealousy. For the same general purpose the colonies, and those in particular which now form the United States, were prohibited from exercising any species of manufacturing industry, and compelled to receive every article of use, comfort, or luxury, from England. The convenience of every other nation, of their own subjects in every other part of the world, was systematically sacrificed to the promotion of domestic manufactures in the British islands. By a resolute and persevering adherence to this system they finally carry their manufactures to such a height of perfection, that they have not only nothing to fear from foreign competition in the home market, but can enter with advantage into competition with foreign nations even in their own markets. No sooner does this take place, than the statesmen of England perceive at once the error of the exclusive system upon which they have been acting for centuries, and the incontestible truth of the opposite one, as a universal rule of practice. At the same moment they commence a series of negotiations with foreign governments, for the benevolent purpose of engaging them to ruin their own manufactures for the sake of promoting those of Great Britain; and from this time forward, all such foreign governments as do not choose to adopt this patriotic policy, but, on the contrary, continue to act on the principles that have made the prosperity of England, are saluted by the unanimous voice of all the British politicians and writers of all parties and classes with the agreeable charges of gross stupidity, shameful ignorance, and we

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know not what. 'They are greater geese than John Bull.' 'They out-Herod George Rose, and would satisfy Lord Malmesbury.' 'Their systems are more iniquitous and absurd than anything in the commercial codes of Austria and Spain.' 'There is no possibility of accounting for the existence of such blockheads as the leading American statesmen, unless by supposing, on the old theory of the metempsychosis, that the soul of Lord Lauderdale (who by the by will probably hear with some surprise the news of his own death) has revived, and now animates another body on the western side of the Atlantic.' In the mean time we may hope, that, under the full effulgence of all this new light upon the subject, the liberal system is at least carried into complete execution in Great Britain itself. Quite the contrary. Still, as before, not a pennyworth of anything foreign is admitted, that can possibly come into competition with any product of domestic industry. Bread itself, the staff of life, must be bought by the people at two or three times its natural price, rather than endanger the interest of the landholders by the admission of foreign grain. In times of scarcity we are invited to relieve their distress, but when plenty returns, the door is again shut in our faces. In short, the commercial liberality of our excellent elder brother stops, as it begins, at the point which appears most suitable for the promotion of his own domestic industry. Against this system we make, as we have said before, no complaint. We think it, on the contrary, the true and correct one. But we really do wonder at the barefacedness with which the British writers upbraid foreign nations in the foulest and most unmeasured language, for no other cause than acting upon British principles, because these principles, when acted upon by others, do not happen to be in exact accordance with British interests.*

* The writer of an article on Russia in the Quarterly Review for January, 1829, takes the British residents at Brussels pretty severely to task for spending their fortunes abroad, although, as he admits, 'they are able to live there, with comparative affluence, on an annual income which would not enable them, without the strictest economy, to struggle through life at home.' In other words, he conceives, that they ought to pay three or four times as much for the necessaries and comforts of life as they cost elsewhere, rather than not have them of English produce. Pursuing his author into Germany, he finds, to his great surprise, that the natives of that country prefer their own hardware, though of inferior quality, to the British. Consistency would seem to require, that their conduct in this respect should be com-

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We hardly know a parallel for this inconsistency, unless it be in the conduct of the same British government upon the question of the slave trade. After carrying on this traffic for centuries to a greater extent than any other nation; after buying of Spain the monopoly of it between her and her colonies; after a debate upon the subject of twenty years' continuance in both houses of Parliament, Great Britain finally resolves to abolish it. From that moment the propriety of abolishing it is so perfectly clear, that it is a crime for any other nation to hesitate a moment. The aid of the British navy is politely offered to all the friendly and allied powers for the enforcement of their own laws on the subject, and his Catholic Majesty (like a lawyer who takes a fee on both sides of the same case) is now bribed not to carry on at all the trade, which he was before bribed to allow Great Britain to carry on for him. Both these examples exhibit the intense nationality of John Bull in a remarkable and somewhat ludicrous point of view. As respects the slave trade, the really humane, we may almost say, sacred character of the cause throws a veil over all sorts of irregularities, and makes even absurdity respectable. In the other case there is no such palliating circumstance; and we would really counsel our transatlantic brethren to be a little more circumspect in their egotism, unless they wish to make their island the laughing-stock as well as the workshop of the world.

We conceive, however, that, for the reasons we have stated, the opinions of the British writers on this question ought not, as such, to be allowed much weight. Independently of the direct interest which they have in opposing our system, and giving them all the credit for honesty, ability, and even disinterested attachment to the United States, to which they are fairly entitled, and as much more as they choose to claim, the essential difficulties which we have indicated still remain, and must for ever incapacitate them from giving us any counsel on

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mended as a trait of laudable patriotism; but, instead of this, they are severely reprimanded, and treated with the unceremonious qualification of *muzzy-headed smokers*. 'This,' says he, 'is carrying patriotism or prejudice to a great length indeed. We venture to say, that a pair of English scissors may be afforded at Leipsic for three half pence, better than any that can be made in Germany for six pence; but it would be difficult to persuade the muzzy-headed smokers of this.' The worthy critic appears to us to carry both patriotism and prejudice a little farther than even the Germans.

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the subject of real value. They cannot possibly possess the necessary knowledge of facts, nor can they, even with the best intentions in the world, avoid looking at the question through the medium of their own habitual feelings and opinions. Their judgments are therefore necessarily suspicious, and can carry no authority with them, excepting such as they may derive from the intrinsic strength of the reasoning by which they are supported. There is one point of view indeed, and one only, under which the British opinions on this subject are entitled, as such, to some attention; and that is, when we consider them as indications of the efficiency of the Tariff for the accomplishment of its objects. We are far from supposing, that the British writers intend to deceive us when they represent themselves as arguing the question exclusively with reference to American interests; but we are not quite sure, that they have not partially deceived themselves, and that the singular zeal for our welfare and prosperity, which they unanimously profess on this occasion, is not, in some degree at least, the effect of a secret consciousness, that their own manufactures will be injured by the permanent establishment of the American system. We are aware, that they pointedly and loudly disclaim any such fears, and profess the most perfect security; nor are we any more disposed to doubt the sincerity of these protestations than that of the others; but it is not impossible, or rather it is quite consistent with the ordinary course of human feeling and action in such cases, that these writers should express their hopes under the form of opinions, and should endeavor to persuade others of what they would gladly persuade themselves. Without intending, in short, to represent the British politicians as worse or better than those of any other country, we are strongly inclined to regard their present extraordinary and unprecedented zeal for our good as merely an indirect expression of that which they usually and ordinarily feel for their own; and must venture to interpret their profuse and repeated professions of perfect security, as unconscious and involuntary indications of a good deal of real apprehension at bottom. Thus considered, these publications are valuable to us as proofs of the extent to which the Tariff is likely to operate upon Great Britain. It can never, of course, be the wish or the policy of the United States to adopt any measure for the direct purpose of injuring that or any other country, excepting in time of war; but it is clear, that in the present case we can only effect

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our object, which is that of protecting and extending our own manufactures, by diminishing the importation of British ones. The extent, to which this diminution takes place, is therefore an exact measure of the benefit that will accrue to ourselves; and if we have reason to suppose, from the loudness and unanimity of the expression (in whatever way, direct or indirect,) of British feeling on the occasion, that the diminution is likely to be considerable, we know by the best possible evidence, that we are on the right track; that the Tariff is what we meant that it should be; and that, by giving it a fair trial, we shall be able to assure ourselves, whether the adoption of a *bonâ fide* American policy be or be not as beneficial a thing to us as we have reason to suppose it. When, therefore, we find the British writers so busily engaged in endeavoring to reason, persuade, advise, coax, flatter, wheedle, and frighten us out of our system, we ought to look upon them as exhorting us all the time, by the strongest arguments they could possibly use, and the only ones to which we could safely listen, to persevere in it. Such, in our view, is the only lesson which the British opinions on this subject are fitted, as such, to convey to us, and it is one which, we trust, will not be lost upon the American public.

But although we can derive no other instruction than this from the British opinions on the Tariff, considered as such, it is nevertheless natural and proper to give a reasonable degree of attention to the arguments by which they are supported. We owe it to ourselves to improve every opportunity for extending our information and correcting our conclusions upon matters of public policy; and if the British can really give us any valuable hints upon the one now under consideration, we ought to allow them their just weight, however questionable the shape under which they come. Having therefore, in the preceding pages, cautioned our readers against the error of putting implicit faith in such suggestions, and shown, as we trust, satisfactorily, that the authority of the British writers is of a negative, rather than positive kind, we shall now proceed to examine, with the brevity that suits the present occasion, their reasoning, and particularly that of the Edinburgh Reviewer. There is little or no novelty in the statement of the argument given in the article before us, but it may be fairly enough considered as a summary, in a not very powerful form, of what can be said upon the subject; and we shall of course have opportunity

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in noticing it to take a rapid survey of the leading points of the discussion.

We have no disposition, as we have already intimated, to contest the correctness of the general principle of the equilibrium of trade, although we are of opinion, that it can only be received, even as a general principle, with important qualifications. It is also unnecessary to examine here the nature and extent of these qualifications; for although the principle is assumed by the Reviewer in the article before us, the correctness of his conclusions does not depend at all upon the greater or less degree of extension that may be given to it in the abstract. He very properly argues the question upon considerations deduced from the peculiar circumstances of the United States. He fully admits the great advantages that, in general, accrue to a country from the possession of domestic manufactures, and is ready to assent to all that General Hamilton has said to this effect *and much more*. He also admits, with equal frankness, that our manufactures cannot at present sustain the competition with those of Great Britain, and that a free importation of the latter would ruin them. The natural conclusion from these premises would appear to be entirely in favor of the protecting system. The Reviewer attempts, however, to make out, that the case of the United States is a sort of exception from the general rule; that, under our peculiar circumstances, agriculture is obviously and decidedly the most profitable employment of capital; that all the labor and capital which we may invest in manufactures must be withdrawn or transferred from agriculture; and that the community sustains a loss by such transfer proportional to the difference in the profitableness of the two sorts of business. The following extract will give the reader a correct idea of the tenor of his reasoning.

'Among the supporters of the restrictive system in America, the first place is due to the late General Hamilton. His celebrated Report on the subject of manufactures was presented to the House of Representatives towards the close of 1791. It had a very great effect. It is written with considerable talent, and is well calculated to make an impression on those who have not analyzed the real sources of wealth. A very slight examination is, however, sufficient to show the fallacy of the principles on which it is founded. General Hamilton dwells at great length on the advantages resulting from the establishment of manufactures, on the stimulus which they give to industry and invention,

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the ample field which they lay open for enterprise, and the great scope which they furnish for the exercise of the various talents and dispositions with which men are endowed. That all this, and much more, may be truly said in praise of manufactures, no one, with perhaps the exception of the Laureate, will presume to deny. But the point which General Hamilton had to consider, was not whether the prosecution of manufacturing industry was, abstractly considered, advantageous, but whether it was for the advantage of the United States to *force* the establishment of manufactures by imposing duties and prohibitions on the importation of manufactured goods from abroad. He has not indeed wholly overlooked this part of the question; but, as was to be expected, he has entirely failed to make good his view of the case.

'That the great principle of the division of labor ought to be respected by states as well as by individuals, is a doctrine too well established to require us to say one word in its defence. The circumstances too, under which America is placed, render it peculiarly incumbent on her not to lose sight of this principle. It is not easy to say what species of industry is best for most parts of the old-settled and densely peopled countries of Europe, or which they may prosecute with the greatest advantage. Industry is amongst them in a state of perpetual oscillation; every new discovery in the arts attracting capital to manufactures, and every improvement in agriculture again drawing it back to the land. But this is not the case in America. There neither is, nor can be, any doubt about the species of industry which it is most for *her* advantage to prosecute. And it is admitted by General Hamilton, and has been admitted by all the subsequent advocates of duties and prohibitions, that, were government to abstain from interfering to protect manufactures, none but the coarser and bulkier sorts could maintain themselves, and that agriculture would draw to itself most of the capital and industry of the nation. Nor is it difficult to perceive why this should be so. The most fertile lands of England, France, and most other European countries, have been long since exhausted; and we are now compelled to resort to soils of very inferior fertility to obtain a part of our supplies of food. But America is in a totally different situation. She is still possessed of an almost unlimited extent of fertile and unappropriated land; and it is as obviously her interest to apply herself in preference to its cultivation, and to obtain supplies of the finer sorts of manufactured goods from nations less favorably situated for the prosecution of agricultural industry, as it is the interest of the West-Indians to apply themselves to the raising of sugar and coffee. The growth of raw produce *must*, for a long series of years, be the most profitable species of employment in which the citizens of America can engage. There

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can be no doubt indeed, that those branches of manufacture naturally adapted to her peculiar situation will gradually grow up and flourish in America, according as her population becomes denser, and as the advantage, which now exists on the side of agriculture, becomes less obvious and decided. But to encourage, by means of duties and prohibitions, the *premature* growth of manufactures, is plainly to force a portion of the industry and capital of the nation into channels into which it would not otherwise have flowed, because it would, but for these duties and prohibitions, be less productively employed in them, than in those in which it was already invested.

'Whatever therefore may be said with respect to the restrictive system in other countries, in America it seems to be destitute even of the shadow of an excuse. The advantages on the side of agricultural industry are there so very signal and obvious, that to attempt forcibly to draw capital from it to manufactures is really to adopt that precise line of conduct which is best fitted to check the progress of wealth and population. But though the advantages on the side of agriculture were less obvious than they are, the policy of the American legislature would yet be wholly indefensible. Let it be supposed, in illustration of the effect of prohibitions, that America has been accustomed annually to import a million's worth of woollens, or some other manufactured product, from Great Britain, France, or any other foreign country; and let it be farther supposed, that, in order to encourage the manufacture of a similar article at home, she prohibits its importation. Now, in this case,—and what is true of this case is true of all restrictions whatever,—it is in the first place plain, that to whatever extent the home demand for the produce of American industry may be increased by the prohibition, the foreign demand for that produce will be equally diminished. Commerce is merely an exchange of equivalents; and those who refuse to import, really by so doing refuse to export. If America cease to buy a million's worth of produce from foreigners, she *must* at the same time cease *selling* to them a million's worth of some other species of produce; that is, she must cease sending to the foreigner the articles she had previously been accustomed to export to pay for the articles obtained from him, that are in future, through the agency of the prohibition, to be obtained at home. All therefore, that she will accomplish by this measure, will be the transference of capital from one branch of industry to another. That equality of protection to which all the citizens of the Union are justly entitled, will be encroached upon; the increase of one employment will be brought about by the depression of some other employment which, to say the very least, was equally advantageous. But it is obviously false to affirm, that such a measure

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can make the smallest addition to the capital and industry of the republic, or to the facilities for employing them with security and advantage.'

The reasoning in the above extract, stated in a more condensed form, seems to be substantially as follows. Although it is generally advantageous to a country to supply its own demand for manufactured articles as well as for agricultural produce, yet as the United States, from the great abundance and cheapness of land, have peculiar facilities for agriculture, and as some other countries, particularly Great Britain, possess, in the abundance of capital and cheapness of labor, peculiar facilities for manufactures, it is more advantageous for the United States, under these circumstances, to devote themselves exclusively to agriculture, and exchange a part of their agricultural produce with Great Britain for manufactures, than to attempt to manufacture for themselves. This, we suppose, will be considered by the Reviewer as a fair statement of the argument; and we can easily conceive of two communities so situated, that an intercourse of the kind here contemplated would, in fact, be mutually and equally profitable. Such is the nature of the commerce which regularly takes place between all cities and the country around them; and if Great Britain and the United States were neighboring communities, forming constituent parts of one political association, and possessing a complete liberty of mutual intercourse, we should feel no difficulty in assenting to the Reviewer's conclusion. But under the actual circumstances of the case, there are, as we conceive, two or three objections of a very stubborn and peremptory character, not merely to the policy or expediency, but to the practicability of the arrangement suggested by this writer. It can, we think, very easily be shown, that it is wholly impossible for the United States to receive their supplies of manufactured articles in the way above described, and that the absence of domestic manufactures is equivalent in practice to the absence of all manufactures.

1. It is obviously impossible for us to receive our manufactures from Great Britain in exchange for the surplus quantity of agricultural produce which we should obtain by devoting ourselves exclusively to agriculture, unless Great Britain will consent in turn to receive our agricultural produce in exchange for her manufactures. But it is well known, that Great Britain, by her interdiction of the importation of foreign grain, refuses

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to receive the agricultural produce of all that part of our population which is employed in raising grain, and which composes at least twothirds of the whole. The embarrassments which she throws in the way of our intercourse with her West-Indian colonies, as far as they diminish the value of that branch of trade, are equivalent in practice to a refusal to receive another considerable portion of our agricultural produce. We make no complaint of this policy, either as respects the corn laws or the colonial trade. We willingly leave it to British statesmen to judge what measures are best fitted to promote British interests; and as these are ostensibly and professedly directed to the promotion of the domestic industry of the kingdom, the end is undoubtedly laudable, whatever may be thought of the prudence of the means. We only say, that while Great Britain refuses to receive the agricultural produce of two thirds of the population of the United States, it is impossible for two thirds of the population of the United States to send her their agricultural produce in exchange for her manufactures, and that the system which the Reviewer proposes as a substitute for that of domestic manufactures, is of course, as far at least as respects two thirds of our population, out of the question.

It is true, that the Reviewer appears individually to disapprove the policy of the corn laws, and even asserts explicitly, that he is quite as hostile to them as any foreigner, whether American or Pole, possibly can be. He says, that he looks upon them as decidedly opposed to all the best interests of Great Britain; as occasioning the misemployment of a large amount of industry and capital; as multiplying at one and the same time the chances not only of famine but also of glut; and as tending, by raising the average price of food, and consequently the rate of wages, to an artificial elevation, to depress the rate of profit, and cause the transference of capital to other countries. He is willing to assent to all that can be said, even by the Harrisburgh delegates, in vituperation of the corn laws, and affirms, that it is therefore *needless* to tell him, that England has acted, and is in this instance still acting, upon that very system of policy which he condemns. It is not impossible, that, if the occasion had appeared to require it, the Reviewer might have been equally explicit in his disapprobation of the British colonial system, which has not in general been much in favor with the writers of his fraternity. But while we cheerfully admit, that it would be quite superfluous

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to employ much time and labor, in attempting to convince him of the impolicy of the corn laws, of which he seems to be so fully satisfied, it is apparently not wholly unnecessary,—since the consideration seems to have escaped him,—to remind him, that the unfavorable opinion which he entertains of these laws, does not authorize the cultivator of the United States to export his produce to Great Britain. It is absolutely necessary for this purpose, that the prohibitory act of Parliament should be repealed. The Reviewer must surely be aware, that the mere signature of *Robert Peel*, or the person, whoever else he may be, that signs the instructions founded in that act, would have more weight with the custom-house officers, than a whole article in the Edinburgh Review, or even the Quarterly, which, of the two, would probably be viewed at the custom-house as much the better authority. If a shipmaster from the United States should enter one of the British ports with a cargo of flour, and on being met by the prohibitory act, should allege in reply, that this act was in opposition to the theories of Adam Smith, had been formally disapproved in the Edinburgh Review, and was consequently not in force, there cannot be a doubt that the collector would refuse to listen to him; and it is not improbable, that the fact would be commented upon in the next following numbers of the leading reviews, and placed on record with the memorable affair of the *geocentric latitude*, as another example of the characteristic cunning with which Jonathan so often, and in general so unsuccessfully, attempts to overreach the straight-forward honesty of his unsuspecting elder brother. It is in short abundantly clear that if the writer before us wish to make his opinion upon the corn laws bear upon the state of the commercial relations between the two countries, he can only succeed, by inducing the British Government to adopt that opinion. It is really not our fault if we do not send to Great Britain, in exchange for manufactures, the agricultural produce which Great Britain refuses to take; and it is therefore to his own ministry, and not to us, that the Reviewer should address his mingled strain of argument, reproof, and raillery. So able a writer, by giving his labor the proper direction, may doubtless carry his point without much difficulty; but until he has done this, we may venture to say to him in his own words, and perhaps with more propriety, that it is needless for him to tell us what he thinks of the corn laws,

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since his opinion of them, whether favorable, or unfavorable, can in no way modify their effect upon our commerce.

The Reviewer affirms indeed in the course of the article, that Mr Otis and others are mistaken in supposing that Great Britain refuses to take from us any considerable portion of our produce. It is really amusing to see the cool and unhesitating confidence with which this transatlantic journalist represents our most enlightened citizens as not knowing what portions of our produce Great Britain will or will not take from us; nor is it easy to see how he reconciles this assertion with his large and frank admissions in regard to the corn laws. If he believe himself what he says, he must of course suppose that grain does not form a considerable portion of the produce of the United States; and if such be his opinion, the fact only shows that he is, as we intimated in our preliminary remarks that every foreign writer necessarily must be, destitute of the information respecting the statistical and political situation of the United States which is indispensable to the formation of a correct judgment on the policy of the Tariff. The part of the population employed principally in raising grain, which we have rated at two thirds, was estimated by Mr Clay in his excellent speech on the Tariff of 1825 at four fifths, and we have no doubt that his computation is the more correct of the two. Mr Addington, an intelligent English gentleman, who resided several years among us as a diplomatic agent of his government and is now their minister at Madrid, has given a correct view of the subject in his official correspondence with his employers, which has since been published. He there states in substance, that it cannot reasonably be expected of us to take British manufactures in exchange for our produce, while we are prohibited by Great Britain herself from giving our produce in exchange for her manufactures; and he intimates it as his belief, that if the British corn laws had never existed, the protecting policy would not have been thought of among us, because the great grain-growing middle states, which have been, and still are, its principal supporters, would in that case have had no adequate motive for desiring its adoption.

2. We do not however quite agree with Mr Addington in this latter opinion. Although the British corn laws render it physically impossible for the greater part of our population to consume British manufactures, and ought therefore to prevent every Englishman who has the least sense of shame or consis-

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tency from uttering a word against our protecting policy, we are nevertheless far from being certain that a repeal of these laws would materially alter the case; and the second objection we have to oppose to the policy recommended by the Reviewer, as a substitute for that of domestic manufactures, is, that it is rendered impracticable not only by the act of the British government itself, but by the still *more decisive* and *inexorable* fiat of nature. The commerce contemplated by the Reviewer between an exclusively agricultural community on the one hand and an exclusively manufacturing community on the other, might, as we have intimated above, be carried on with profit between neighboring regions forming parts of the same political association, and is in fact habitually carried on with great mutual advantage between the inhabitants of towns and of the country around them; but it cannot in the nature of things possibly exist between two great nations politically independent, situated on opposite sides of a vast intervening ocean, and in different quarters of the globe. The mere fact of political independence opposes an insuperable obstacle to this arrangement, as we shall presently show; but waving this consideration, and looking at the subject simply under an economical point of view, we would venture to ask this writer whether it be in his opinion, we will not say expedient or desirable, but physically practicable for the different classes of laborers which enter into the composition of all societies, economically considered, to dwell on opposite sides of the globe and exchange their several products at the distance of thousands of miles. Will the Reviewer himself undertake to affirm that it is possible for the tailors, hatters, shoemakers, and other manufacturers of England or France to *receive their grain, meat, vegetables, and* materials from the cultivators on the banks of the Monongahela and the Allegany, and the latter in turn, their hats, coats, shoes, and other manufactured articles from Paris and London? We know that by improvements in the modes and means of transportation much may be effected in the way of shortening distances and bringing remote places into communication with each other; but it is not less obvious that there are certain limits, and those by no means very extensive, beyond which it is impossible for communities to depend upon each other for supplies of the necessaries and comforts of life. The interchange of articles of ordinary use supposes in the first place, and absolutely requires, a great deal of personal communica-

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tion between the parties. Clothing for example must be made to suit the person of the wearer. Is the London tailor then to make a voyage across the Atlantic in order to measure his customer on the banks of the Susquehannah and the Wabash, or are the latter to leave their estates and repair to the other side of the world to be measured every time they want a new coat or a new pair of boots? Of agricultural articles again many are perishable, and will not bear transportation. The fresh meats, vegetables, and fruits, which enter so largely into the ordinary consumption of civilized communities must be consumed in the neighborhood of the spot where they are raised, or not at all. Of agricultural articles that are not perishable, almost all are bulky, and can only be transported to a great distance, even with the advantage of the greatest facilities and the most improved methods, at an expense which vastly augments their original value, and of course diminishes the demand for them to the same extent. It is in short so abundantly clear that a commerce in the necessaries and comforts of life, like that which is carried on everywhere between town and country, cannot possibly be carried on between remote communities like Great Britain and the United States, that we really deem it superfluous to waste many words upon the subject. Such is the force of truth, that the Reviewer himself, at the very moment of recommending this impracticable intercourse, draws with sufficient correctness the distinction between the manufactures which we might conveniently receive from abroad, and those with which we should naturally supply ourselves; and the only wonder is, that he did not perceive that his concessions on this head were fatal to his own argument. He admits in the above extract that it would be natural and expedient for us to manufacture at home the coarser and bulkier articles of ordinary use, without appearing to recollect that it is precisely upon these coarse and bulky articles, which compose the great mass of our imports from Great Britain, that the present question turns. It is acknowledged by all to be a matter of comparatively small importance whether we make at home or receive from abroad our jewelry, laces, wines, and other such products of mere luxury, because the consumption of them is necessarily in any case extremely limited. The coarse and bulky articles of ordinary use, whose cheapness renders them accessible to the mass of consumers, the cotton and woollen cloths and hardware of middling and inferior qualities, are the

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great objects of attention. It is precisely these with which Great Britain would willingly supply us, and of which we, on the contrary, are desirous to encourage the domestic manufacture. When therefore the Reviewer grants that it is better for us to manufacture the coarser and bulkier articles at home, he in fact concedes the whole question. But his remark on the subject, though completely sufficient as a refutation of his own reasoning, conveys nevertheless a very inadequate idea of the state of the case. It is not enough to say with him that it would be more for our advantage to manufacture at home the coarser and bulkier articles. The real truth is, as we have shown above, and as must be obvious to all on the least reflection, that a trade between remote communities in objects of this description is in its nature impracticable, and that as far as such objects are concerned, the absence of domestic manufactures is equivalent in practice to the absence of all manufactures.

3. Beside these two objections, either of which would perhaps be considered by judicious readers as decisive against the plan of the Reviewer, there is yet a third of a not less peremptory character, which results from the political separation and mutual independence of Great Britain and the United States. The Reviewer has a paragraph on this subject which we quote entire, as a curious specimen of the way in which the most obvious and weighty considerations lose their character under the contracted observation of a narrow and prejudiced mind.

'Some members of the American legislature, who advocate the protecting system, and of the purity of whose motives no doubt can be entertained, seem to lay a great deal of stress on the assumed principle, that no people can truly be said to be *independent*, if they are indebted to foreigners for supplies of any commodity of very great utility. There is some apparent, but no real foundation for this opinion. The fallacy lies in attaching an erroneous meaning to the term independent. No one would reckon a private gentleman, who had his clothes, hats, shoes, &c. made in his own house, as in any respect more independent than one who had money enough to buy them of the tailors, hatters, shoemakers, and other tradesmen. The same is the case with nations. Each, by applying itself in preference to those pursuits for which it has some peculiar aptitude, will be able to obtain a greater command over the necessaries and conveniences of life through the intervention of an exchange, and will consequently be *richer*, and more truly *independent*, than if it had directly produced the

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various articles for which it has a demand. In commerce equivalents are always given for equivalents; so that there can be no dependence in the vulgar acceptation of the term. The Americans it is true, have on one or two occasions, experienced a scarcity of foreign manufactured goods; but this was a consequence of *their own policy*, of their non-importation acts, and not of the prohibitive regulations of any foreign power. They may rest assured that *no manufacturing nation will ever refuse to sell.* No such circumstance has ever yet occurred; and it may be safely affirmed that it never will. The danger that the American statesmen would provide against, is therefore altogether imaginary. The independence at which they aspire, is the independence of those who swim across the river, that they may owe nothing to the bridge.'

The fallacy of this pretended refutation lies in proceeding upon a complete misconception of the nature of the objection to be refuted. The question is not whether private gentlemen or communities would or would not be rendered more independent by obtaining their supplies of articles of ordinary use within their own territories; but whether communities which *are* politically independent be on that account more or less favorably situated for carrying on a trade in such articles. If the residence of a private gentleman were placed in the neighborhood of two villages, with one of which his communications were habitually interrupted by insuperable obstacles for about half the time, and sometimes for months and years in succession, while they were always open with the other, he would be thought excessively imprudent if he did not depend upon the latter, rather than the former, for his daily supply of provisions. The inconvenience of a commerce in articles of ordinary use between politically independent communities is precisely of the same description. This intercourse is liable to be interrupted at any moment, and, judging from past experience, is in fact, even under the most favorable circumstances, interrupted for about half the time, and sometimes for ten and twenty years in succession by political events. How then is it possible that such communities can carry on with mutual advantage a sort of commerce which indispensably requires a yearly, monthly, weekly, and even daily interchange of products? Every judicious reader must perceive at once that the objection is insuperable, and that the wise speculations of the Reviewer upon the nature of true independence, and the 'vulgar acceptation of the term,' are entirely foreign to the question.

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He seems indeed in the concluding part of the above observations, to show some indistinct notion of what the difficulty is, and his way of getting over it is not less singular than his preceding misconception of its character. 'The Americans it is true have on one or two occasions experienced a scarcity of foreign manufactured goods; but this was a consequence of *their own policy*, of their non-importation acts, and not of the prohibitive regulations of any foreign power. They may rest assured *that no manufacturing nation will ever refuse to sell.* No such circumstance has ever yet occurred, and it may be safely affirmed that it never will. The danger that the American statesmen would provide against, is therefore altogether imaginary. The independence at which they aspire is the independence of those who swim across the river, that they may owe nothing to the bridge.' It is difficult to say whether these observations are more remarkable for the flippant impertinence of the language, or the obvious absurdity of the reasoning. Let it be supposed that the United States are forced into war to-morrow, by a clear and undoubted aggression on the part of the British government, and that the communications between the two countries are in consequence interrupted for two, ten, or twenty years, as the case might be. Would this interruption be the effect of our own policy? Would it not be the manufacturing nation, which, by rendering it impossible for us to buy, would in fact refuse to sell? Or will it be said that the danger of such an interruption is entirely imaginary? Has no such case ever occurred, or can it be safely affirmed that it never will? The language of the Reviewer, when generalized, means, if it mean anything, that in the political difficulties, that have occurred or may occur between Great Britain and the United States, the former has been and will be always in the right, and the latter in like manner always in the wrong. It amounts in substance to the well known remark addressed by the French lady to her sister, '*Il n'y a que moi qui ai toujours raison.*' This may be very good doctrine on the other side of the water, but is it entitled to much weight in a philosophical discussion, or is it likely to produce much effect in conciliating the feelings and convincing the judgments of the people of the United States? As to the past events to which the critic alludes, it would be easy to show, on authority for which he would probably feel some respect, we mean that of the Edinburgh Review, whether the interruption of commerce

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between the two countries was the result of our own policy, or was forced upon us by the unexampled series of aggressions by which Great Britain, under the pretext of exercising her belligerent rights, harassed for twenty years in succession the persons and plundered the property of our citizens. But leaving entirely out of view the merits of the late contest with England, it certainly cannot have escaped the attention of the Reviewer, that this is not the only war that has occurred even in modern times, and that generally speaking, the occasional occurrence of wars, even between the most civilized nations, must be calculated on as inevitable. The most recent experience unfortunately shows, that between such nations, and even at this most enlightened day, it is quite within the compass of possibility, that wars should not only exist, but that they should last with little interruption for five and twenty years in succession. It has in fact been calculated that for the period of nearly two centuries which has elapsed since the peace of Westphalia, and during which Europe claims to have exhibited a higher degree of civilization than was ever known in any other part of the world, every alternate year has been on an average a year of war. Does the Reviewer then suppose that Great Britain and the United States are to be for ever exempt from the operation of the evil passions, and conflicting temporary interests, that drive the nations to these terrific extremities? Does theory, or experience, justify any such belief? Does the tone of the negotiations between the two governments since the last treaty render it probable, that a halcyon age of perpetual peace is to ensue immediately upon the close of two centuries of bickerings and ill humor, twice interrupted by intervals of open war, but never yet for a moment by one of real and unaffected cordiality? Is the language of the leading British journals, the torrent of calumny, for example, which is perpetually poured out upon us by the semi-official quarterly organ of the ministry, likely to produce so desirable a result? Nay, is the very article in the Edinburgh Review now before us, the staple of which only varies from direct attack to contemptuous irony, a production well fitted to conciliate adverse feelings and rival interests, and aid in bringing about the millennium, to which the author appears to look forward? The necessary answer to these questions is, we fear, far too obviously in the negative, for even the Reviewer himself to think of giving one of any other kind. Much as we depre-

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cate the occurrence of future wars with England, anxiously as we desire that the good understanding which now so happily exists between the two powers may be perpetual, sincerely as we have rejoiced at some recent demonstrations in quarters of high authority on both sides, which appear to authorize the hope of an improvement in their habitual relations, a hope, which, we are happy to say, nothing has yet occurred to diminish materially, we must still consider it as the strict and bounden duty of an American statesman to regard the occurrence of hostilities with Great Britain, or any foreign power with which we have relations, as a thing within the compass of ordinary probability, and to act upon that supposition. It is not our policy, nor yet the policy of the mother country,—for we are not anxious to push any farther than it ought to be carried, the conclusion that might be drawn from the circumstances that led to the last war with England,—it is not then our policy, nor that of the British government, but the imperfection of human nature,—in Shakspeare's phrase, *the penalty of Adam*, which will occasion these hostilities, whenever they may occur, and which renders the supposition of their probability necessary. Should the international relations of the great powers of the Christian world be on no worse a footing for the next two centuries than they have been for the two last,—and it would surely be rash, whatever we may hope, to reason and act on the hypothesis, that the next following age will be better than the best in the history of our race,—we must still calculate, as we have said above, that on an average every other year will be one of war. So far, indeed, are recent and present occurrences from warranting the expectation of any immediate change, in this respect, in the habits of the world, that although the great Christian powers have been at peace, at least among themselves, since the treaties of Paris, there has not been a moment in which the sword has been sheathed in all parts of Christendom; and for two years past there has been, at times, a strong probability of the immediate occurrence of another general war, in which Great Britain would of course be involved, and from which it would require the exercise of great moderation and ability in the government of the United States, to keep them clear.* But whatever may

* Since the above was written, the conclusion of peace between Russia and Turkey has removed for the present the danger alluded to

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be the issue of the present crisis, it is at all events the duty of an American statesman to suppose, and to act upon the supposition, that the country is liable at any moment to be drawn into a war with Great Britain, or any other foreign power,—for the argument applies alike to all. The Reviewer will not, we think, dispute the correctness of this assumption. If then we look to Great Britain, or any other foreign power for our regular supply of the ordinary comforts of life, what is to become of us during these periods of occasional hostilities which may last three years, or thirty, as the quarrel may happen to turn? By what miracle are we to find, at an hour's warning, resources before unemployed that shall furnish us with substitutes for this supply? Where are we to look for the bridge, to which the Reviewer so pleasantly alludes, and which is to conduct us safely over this otherwise somewhat awkward gulf in our economical arrangements? Are we to extemporize at the commencement of every war, as we did at that of the last, a set of manufactures sufficient for the consumption of twelve, fifteen, or, looking forward only to the end of the next five and twenty years, twenty million persons, only to see them all shaken to their foundations by the return of peace, and sinking in one general ruin, as they did before? Warped as the judgment of the Reviewer evidently is by habitual prejudices and national feelings, we cannot believe him so totally blind to the most obvious considerations of expediency as to counsel such a policy; and we would leave it with confidence to himself to decide, whether it would not be the duty of a wise community to provide, by every imaginable means, against the recurrence of such fatal and widely spreading disasters; whether, were it even true, as it is not, that domestic manufactures would be, in the long run, dearer than foreign ones, an annual pecuniary sacrifice of considerable extent, made in this form, would not be decidedly preferable, whether on the score of interest or feeling, to supporting the incalculable losses and miseries of every kind produced by such convulsions. For ourselves, we have no hesitation in saying, that were there no other argument in favor of a protecting policy except the single consideration to which we have now been adverting, we should still regard it as established beyond the possibility of question.

in the text. We hope to offer in some detail in a future number our views of the influence of the war, and its results on the political situation of Europe and America.

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We may add, that the same consideration, duly weighed, would furnish the Reviewer with a justification, which does not appear to have occurred to him, of the corn laws of his own country.

Such, however feebly and imperfectly expressed, appears to us to be the substance of the argument upon the merits of this case, as stated by the Reviewer himself. He fully admits the great advantages that result in general from the possession of domestic manufactures, but contends, that in consequence of the peculiar facilities enjoyed respectively in the United States for agriculture, and in Great Britain for manufactures, it would be more expedient for us, under these particular circumstances, to devote ourselves exclusively to agriculture, and obtain our supply of manufactures from foreign countries in exchange for our surplus agricultural produce, than to attempt to manufacture for ourselves. To this we have replied, first, that Great Britain refuses to receive the agricultural produce of by far the greater part of our population, and thus, by her own act, renders this arrangement impossible; secondly, that the expense and inconvenience of transporting by land and water, over such immense distances, the bulky articles of ordinary use, are so great, as to make a trade of this kind substantially impracticable, were it even allowed by law; and thirdly, that the intercourse of independent nations is liable to such interruptions, that it would be highly impolitic, or rather completely ruinous, for them to depend upon each other for the regular supplies of the usual necessaries and comforts of life. Each of these objections appears to us to be of a decisive and peremptory character, and we cannot but think that taken together they must carry conviction to impartial and unprejudiced minds. If then it be impracticable for us, for these reasons, to receive our supplies of manufactured articles from abroad, it follows, that we must either procure them at home, or not have them at all, and that the absence of domestic manufactures is, as we have intimated above, equivalent in practice to the absence of all manufactures. This being the case, were it even true, as the Reviewer supposes, that the capital invested in manufactures must be withdrawn from agriculture, and that the amount of our exports of agricultural produce would diminish in proportion to the diminution, occasioned by the Tariff, of our imports of British manufactures, it would still be our policy to encounter these results, which are in themselves indifferent, and only temporarily inconvenient, when

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considered as changes in the previous direction of labor, rather than forego the great advantages, which, by the admission of all, and himself among the foremost, result from the possession of domestic manufactures. We are happy however to be able to add, that the anticipations of the Reviewer in this respect are, in our opinion, no better founded than the rest of his reasoning. We see no ground for supposing, that the amount of our exports of agricultural produce will be diminished by the operation of the Tariff, or prevented from increasing as rapidly as it would have done under any other circumstances; and far from occasioning the withdrawing from agriculture of any part of the capital now invested in it, it is quite certain, that the establishment of domestic manufactures is the most effectual, and indeed the only way, by which agriculture can be encouraged or extended in any other form than that of clearing wild land. For the farther illustration of the subject, we shall add a few remarks upon both these heads.

1. If our commerce with Great Britain were, as the Reviewer appears to wish that it should be, of the kind which is carried on between a purely agricultural and a purely manufacturing community, or between town and country, by the effect of which the cultivator feeds the manufacturer as well as himself, and the latter in turn manufactures for the use of both; if, we say, our commerce with Great Britain were of this description, the establishment of domestic manufactures would undoubtedly diminish our exports, because the agricultural produce which we before sent abroad to feed the foreign manufacturer, would now be kept at home to feed our own. Such a change in the state of our industry, instead of being injurious, would however be highly advantageous to us. It would prove, that we employed two domestic capitals, when we before employed only one; and as far as it diminished the foreign trade, it would substitute for it a home trade of equal extent, which all admit to be the more profitable of the two. But this, as we have already shown, is not and never can be the nature of our commerce with Great Britain. Great Britain is a manufacturing nation, that chooses, and very properly, to supply herself with the necessaries and comforts of life from her own resources, that depends, in general, for subsistence upon her own agriculture, and that takes nothing from abroad which she can possibly raise at home. Acting on these principles, she prohibits a great part of our agricultural produce,

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and consents to receive only those articles which she cannot produce at all, or of equal quality, in her own dominions, and which she must of course, for her own interest, purchase wherever she can find them of the kind best suited to her purpose. If she purchases our cotton, in preference to that of any other country, it is not because we take a large amount of her manufactures, but because our cotton suits the purpose for which she wants the article better than that of any other country. While Uplands and Sea-Island retain their present cheapness and superiority over the growth of any foreign region, Great Britain will find precisely the same advantage in buying cotton of us that she does now, however much our imports of British manufactures may be diminished by the effect of the Tariff. The loss of our market for her manufactures, from whatever cause and to whatever extent it may happen, would no doubt be to her a positive evil; but this evil, instead of being remedied, would only be aggravated by her refusal to take our cotton, supposing it always to be, as it is now, the best that is raised. Without ascribing to our *pulchra mater* any sentimental fondness for her flourishing family of children on this side of the Atlantic, we cannot suppose that she hates us so much as to injure herself merely for the sake of injuring us; and as it is clearly for her interest, since she cannot raise cotton herself, to purchase the best wherever she can find it, it is quite certain that she will continue to take it of us while ours shall be the best, Tariff or no Tariff. If, on the other hand, our planters shall ever, through their own neglect, or the greater skill and industry of others, lose their present superiority, it is equally certain that Great Britain will no longer buy of them, although we should take from her twice as great an amount of her manufactures as we now do.

It may be said, however, and has indeed been said on both sides of the water, and particularly in the article in the Edinburgh Review now before us, that Great Britain, irritated by our endeavors to exclude her manufactures, and desirous to retaliate upon us by ceasing, if possible, to take our cotton, will adopt measures for encouraging the growth of that article in her own possessions in India. But this consideration can have no weight in an argument against the protecting policy; first, because the superiority of our cotton is so well established, that our planters have no more reason to apprehend the competition of India or Egypt in the raising, than Great Britain has

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in the manufacturing of it; and, secondly, because Great Britain, if she can possibly raise within her own dominions cotton of equal quality with ours, will unquestionably cease to buy of us, whether we take her manufactures or not. In this she would only act upon her settled and very judicious system of making herself, as far as possible, independent of foreign nations in regard to her supplies of articles of necessary and ordinary use. Our planters must therefore resign themselves to suffer the loss of the British market whenever an article of equal or superior quality shall be raised within the British dominions, whatever may be, in other respects, the state of the trade between the two countries. But until there shall be a well ascertained equality or superiority in the British article, a thing of which, as we remarked above, we have no apprehension, we may rest assured that Great Britain, with the immense amount of capital which she now has invested in the cotton manufacture, will try no rash experiments, and run no unnecessary risks, in the way of encouraging her own cotton or discouraging ours. The effect of employing an inferior material would be to destroy the present superiority of her fabrics; and as the value of the fabric is from ten to twenty times, according to its fineness, greater than that of the material, it is obvious that there is no motive for making any change, however advantageous, in the present method of obtaining the latter, which would be attended with the slightest danger to the success of the manufacture. The late experiment in the woollen trade would probably be sufficient to cure the British government of any disposition to tempt fortune in this way, which they may have felt before. We have before us, in the same number of the Edinburgh Review which contains the article we are now noticing, another detailing the results of this experiment, from which it appears, that the British government by imposing a duty of sixpence the pound on foreign wool, for the purpose of encouraging the consumption of their own, injured the quality of their cloths so much as to render them unfit for several markets where they were before in request. It is given as the opinion of the most intelligent woollen manufacturers of the kingdom, that, had the duty been continued a few years longer, it would have completely ruined the branch of industry in question, and that, although the government made great haste to take it off after a short trial, it had already produced such mischievous effects, as will probably

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never be repaired. With such results from this recent experiment before her eyes, we may rest assured, that Great Britain will not be readily induced, by pique or any other motive, to venture on a similar one in the still more important branch of the cotton manufacture, which furnishes at present nearly two thirds of the whole exports of the kingdom. On this head, therefore, we conceive that our own planters may, without reposing any undue confidence in the chapter of accidents, set their hearts at rest.

We may remark here, that large as the British exports of manufactured cotton undoubtedly are, they are not quite so large as the Reviewer has thought proper, in the pride of his heart, to represent them, for the purpose of making them appear to greater advantage in comparison with ours. Although the error in his statement on this subject is immaterial to the course of the argument, we deem it proper to point it out, more especially as we shall have occasion, in so doing, to allude to a point of learning, in regard to the present state of British industry, somewhat curious in itself, and not, we believe, very familiar to the public, at least on this side of the water. After quoting a passage from a report made to the meeting of delegates at Harrisburg, in which it is intimated, that our cotton fabrics had been preferred to the British in some of the Spanish American markets (a fact of public notoriety), the Reviewer proceeds to refute the assertion in the following triumphant paragraph.

'In our ignorance, we long imagined, that John Bull had been the most gullible of animals; but if Jonathan can swallow such assertions as these, John has not the vestige of a claim to that distinction. *Smuggle* American cottons into Great Britain! What an opinion must the Harrisburg delegates have formed of their countrymen when they could presume to call such a statement a "sober truth"! Is there a merchant in the United States so profoundly ignorant as not to know that American, and all other foreign cottons, may be freely imported into our markets on paying an *ad valorem* duty of TEN per cent.? Let us now see how they are driving our cottons out of foreign markets. In 1826, the estimated official value of the whole exports from the United States amounted to 77,595,322 dollars, of which coarse cotton goods of *domestic* manufacture amounted to 1,138,125 dollars; and of these 711,959 dollars' worth were sent to Mexico and South America. Now, it appears from the official accounts of our custom-house, that the value of *our* exports of cotton goods only, in 1825, amounted to £30,795,000, or about 150,000,000 dollars; and there are good

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grounds for thinking, that the value of those exported to Mexico and South America exceeded 25,000,000 dollars, so that the American exports to those countries, some of which are their immediate neighbors, amount to about *two thirds of a per cent.* of our own; a marvellous progress certainly towards "*supplanting the British in all foreign markets*"!'

It may perhaps amuse the reader to be informed, that in the midst of this exulting array of capitals, italics, and notes of admiration, which we copy as they stand in the original, the Reviewer has made, apparently not without intention, the trifling mistake of about eighty-two millions of dollars, in the statement which he gives of the value of the exports of cottons from his own country. The nature of it lies chiefly in giving the *official* value of the exports as the real one. The former, as our readers are perhaps aware, is a merely conventional statement, in which the article is valued according to an estimate fixed in the time of King William, and which gives of course about as correct a notion of the actual value of the British exports of cotton cloths, as we should obtain of the amount of capital invested in the bookselling business by estimating every work that is now published at the price at which a manuscript copy of it would have sold before the invention of the art of printing. This official statement of the value of the exports sometimes exceeds, and sometimes falls short of the real value, which is regularly *declared* on oath by the owner. In 1814 the real value of the whole exports exceeded the official by nearly twelve millions of pounds sterling, while in 1828 it fell short of it by nearly sixteen. Now, whatever advantage there may be for other purposes in employing the official statement (and we confess that we are unable to imagine of what nature they can be), it is at all events evident, that when the object is, as in the present instance, to compare the British exports with those of another country, in which there is no such double statement, the real value must of course be used.* The Reviewer, how-

* In the debate on the Budget, of May 8, 1829, Mr Huskisson remarked, in speaking of the amount of exports, that 'he took the official in preference to the real value, because, having been fixed in the time of King William, and having never varied, it expressed the quantity and not the price of commodities.' The official value would perhaps be preferable on this account, for any purpose which required a knowledge of the *quantity* of the exports, although a simple statement of the number of pieces would apparently be far better than either; but where the object is, as in the present case, to compare

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ever, compares the *real* value of our exports for 1826, with the *official* value of the British for a *different* year, 1825, that being the one in which the amount of the latter was the largest ever known, having been, as he states, more than thirty millions sterling. In 1826, of course the proper year to compare with ours of the same date, the official value of the exports of cottons was only twenty-six millions sterling. In both these years it exceeded the real by about ten millions sterling, so that there is, on this account only, an error in the Reviewer's statement to that extent; and if we assume as the proper one to compare with ours of the same date the year 1826, in which the official value of the British exports of cottons was, as we have just said, four millions less than the preceding year, the error increases in the same proportion, and rises to about fourteen millions sterling. This sum which, on the Reviewer's calculation of five dollars to the pound, is equivalent to seventy millions of dollars, being deducted from the hundred and fifty millions given in the article, would leave a remainder of eighty millions of dollars as the value of the British exports of cotton, correctly stated for the purpose of comparison with that of

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the British exports with those of another country, it is quite evident, as we have remarked in the text, that the real value is the one to be used. We subjoin here a table, containing a comparative statement of the official and real value of the British exports from 1814 to 1828 inclusive, which was read to the House of Commons by Mr Waithman in the same debate, and which we deem somewhat curious. It exhibits a regular and constantly progressive increase in the official, and decline in the real value during the whole period.

Exports of Manufactures and Produce of the United Kingdom, from 1814 to 1828 inclusive, with the official and declared or real value.

Year.	*Official Value.*	*Real Value.*	*Difference.*	
1814,	£36,092,167	£47,851,153	£11,759,286	
1815,	44,053,455	53,217,445	9,163,990	
1816,	36,714,555	42,942,951	6,228,398	
1817,	36,697,610	42,955,256	6,257,646	+
1818,	41,558,585	43,626,253	2,067,668	
1819,	44,564,044	48,903,760	4,139,716	
1820,	35,634,415	37,339,506	1,705,091	
1821,	40,240,277	38,619,897	1,620,380	
1822,	40,831,744	36,659,631	4,172,113	
1823,	44,236,533	36,968.954	7,269,569	
1824,	43,804,372	35,458,048	8,346,324	
1825,	48,735,551	38,396,300	10,339,251	—
1826,	40,965,735	31,536,723	9,429,012	
1827,	52,219.280	37,182,857	15,036,423	
1828,	52,797,455	36,814,176	15,983,279	

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ours for the year 1826. But even this sum requires another correction on account of the inequality in the estimates of the value of the dollar on the two sides of the account. The reviewer takes it, as we have just said, at the rate of five to the pound sterling, probably the market price at London at the time when he wrote, while in our reports it expresses a value nine or ten per cent. higher. Assuming as a common standard the ordinary par estimate of four dollars and forty-four cents to the pound, which is that in use with us, the error of the Reviewer rises to about eighty-two millions, the amount at which we have represented it above, and the value of the British exports finally dwindles from one hundred and fifty millions, at which he reckons it, to about sixty-eight. Even this is doubtless a large amount to be exported in cotton by one country in a single year; but it must also be allowed, that an error of eighty-two millions of dollars in a single sum is considerable; and if in the excess of charity, with which we have sometimes been reproached, we suppose it to be entirely involuntary, we cannot but think it peculiarly unfortunate, that the Reviewer should have fallen into it in the course of the very same paragraph in which he dwells with so much apparent satisfaction upon certain supposed inaccuracies of a much less important character, if real, in the Harrisburg Report. By correcting in the same way his statement of the British exports to Spanish America, we shall obtain as the true amount about eleven and a half millions of dollars, instead of twenty-five. This correction raises considerably the proportion, which our exports of the same description bear to them, and which the Reviewer sneeringly states at *two thirds of a per cent.*, meaning probably two thirds of *one* per cent. But if from the value of the British exports to Spanish America, thus corrected, we farther deduct that of the large portion of them which was shipped on wild speculation, and for which no returns whatever have been or ever will be made, and then transfer, from one side of the account to the other the value of the other portion fraudulently sold as of our manufacture, which is known to be considerable, and which proves of course, that the demand for our manufactures is in the same proportion greater than it would appear to be from the actual amount of our exports, we shall find a nearer approach to a balance on the two sides of the account, than we should perhaps think possible upon a first glance at the Reviewer's estimate. It is

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no part of our plan, however, to endeavor to represent the value of the British exports as less, or that of ours as greater, than it really is; and our chief object, in adverting to the subject, has been to point out the excessive inaccuracy of a writer, who yet exhibits so little indulgence for what he deems the inaccuracies of others.

But, to return from this digression to the subject before us; as all commerce is of necessity an exchange of equivalents, it may be inquired, and the question is in fact asked by the reviewer, how Great Britain will contrive to pay us for our cotton and tobacco, if we no longer receive from her the manufactures which she now gives in exchange for them? We answer, that she will pay us in money for that portion of the articles she takes from us, for which she does not send us an equivalent in manufactures, just as we now pay her in money for that portion of her manufactures for which we do not send her an equivalent in other products. It is well known, that the proceeds of a considerable part of our exports to other parts of Europe are remitted in cash to London, to pay the balance on our trade with Great Britain, which has hitherto been constantly against us. Should this same balance happen to be found, at any future period, on the other side of the account, the consequence will be, that the proceeds of a part of the exports from Great Britain to Mexico and South America will be remitted in cash to the United States, and that our merchants will bring home from Europe more silks, claret, and Sherry, than they did before. Exchange on the United States will then be at a premium at London, just as exchange on London is now at a premium at New York and Boston. These results need not, we apprehend, be considered by us as of a very disastrous character, nor will they be of any importance to Great Britain any farther than as they indicate the loss of a market for a portion of her manufactures.

We may therefore conclude with confidence, that the amount of our exports will not be diminished in any way by the tariff, or even prevented from increasing as rapidly as it would have done under any other circumstances; and the correctness of the conclusion appears to be confirmed by the experience we have already had of the effects of the new law. The Reviewer himself seems to agree with us on this part of the subject; and if, as we have stated above, he hints that it might be good policy in Great Brit-

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ain to endeavor to encourage the growth of cotton in India and Brazil, it is not from a disinclination on his part to buy the article of us, but from a fear that we may, perhaps, hereafter *refuse to sell!* 'It is quite clear,' says he, 'that the less dependence we now place on the trade with America so much the better. She cannot indeed inflict any material injury on us by refusing to *buy* our products, but at present she might injure us by refusing to *sell;* and after what we have seen of Congress, it would excite no surprise if some such attempt were made. We are not therefore sure, that it might not be good policy to endeavor to encourage the importation of cotton from India, Egypt, South America, &c. by reducing or wholly repealing the existing duty on all cotton not imported from the United States.' We know not whether the critic be in good earnest in this intimation that the United States may, perhaps, hereafter refuse to sell cotton to Great Britain, or whether we are to look upon it as a specimen of the pleasantry with which the article is occasionally seasoned. If he really entertain any serious apprehensions on the subject, founded on his view of the policy of our government, he may perhaps be gratified to learn, that Congress is expressly prohibited by the constitution from laying any duty whatever on exports; and as respects the disposition of the planters themselves, there is, in our opinion, no more probability, that they will ever refuse to sell cotton to the British manufacturers, as long as the latter continue to pay them well for it, than there is, that the British manufacturers will cease to purchase it of them as long as they shall raise it of a quality superior to any that is elsewhere produced.

Having had occasion to make use of the phrase *balance of trade,*

'a word of fear
Unpleasing to a Scottish ear,'

we hasten to add, in order to relieve ourselves from any suspicion of heresy, that we are not partisans of the antiquated doctrine on this subject, and that, on the contrary, we fully acquiesce in the modern theory, which is that of Adam Smith, and also, as it seems, of the Reviewer. Our opinions, therefore, on this head, are probably at bottom the same as his; but if such be the case, we cannot but remark, that, in what he says upon the subject in the present article, he has not expressed himself with all the accuracy that might have been

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wished, and has apparently sacrificed, in some degree, his regard for truth to rhetorical effect, thinking perhaps with Voltaire, that it is of more importance to strike hard than to hit the right spot. Our readers will judge by an inspection of the passage.

'On hearing the terms in which some of the leading American orators talk about the mischiefs arising from the *balance of trade* being unfavorable to the republic, and the consequent exportation of specie, one is almost tempted to believe in the doctrine of metempsychosis, and to conclude, that the Roses, the Kenyons, and the Lauderdales of a former age, are again revived in the Baldwins, the Lawrences, and the Everetts of the present. It is difficult to argue with those who, at this time of day, can talk seriously about the balance of trade. To say that the old doctrine with respect to it has been a thousand times shown to be false, contradictory, and absurd, is not enough. The fact is, that the very reverse of it is true; and that every nation, carrying on an advantageous foreign commerce, must import *more* than she exports, and must therefore, according to the transatlantic illuminati, have the balance against her. But in despite of the speeches of honorable gentlemen, and the innumerable essays of Mr Carey, we apprehend that Jonathan is not quite so simple as to export any commodity, except in the view of importing a more valuable one in its stead. It is this greater value which constitutes the profits of the merchants engaged in the foreign trade; and to affirm that it is large, is to affirm, what is not reckoned a very serious evil on this side of the Atlantic, whatever it may be on the other, that the external trade of the country is very lucrative.

'It would, however, be unjust to individual members of the American legislature to represent them as all approving the exploded and absurd notions with regard to the balance of trade. Mr Cambreling, in an able pamphlet, entitled an Examination of the Tariff proposed in 1821, forcibly exposed the fallacy of the opinion of those who believe, or affect to believe, in the pernicious effect of what is called an unfavorable balance. Mr Webster too, in an admirable speech on the tariff bill of 1824, set the real nature of commerce, and the true doctrine as to the balance, in the clearest point of view. Mr Webster illustrated his statement by a case which, although it failed to make any impression on the majority of his auditors, is so very conclusive, that we believe it will carry conviction to every one who may happen to throw his eye over these pages. "Some time since," said Mr Webster, "a ship left one of the towns of New England, having on board 70,000 dollars in specie. She proceeded to Mocha on the Red Sea, and there laid out these dollars in coffee, drugs, spices, &c. With this new cargo she proceeded to Europe; two thirds of it

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were sold in Holland for 130,000 dollars, which the ship brought back and placed in the vaults of the same bank, whence she had taken her original outfit; the other third was sent to the ports of the Mediterranean, and produced a return of 25,000 dollars in specie, and 15,000 dollars in Italian merchandise. These sums together make 170,000 dollars imported, which is 100,000 dollars more than were exported, and forms therefore, according to the doctrine of honorable gentlemen on the other side, an unfavorable balance to that amount." But honorable gentlemen were proof against this *reductio ad absurdum*. They continued firm in their belief, that the doctrine of the balance was no chimera, and that the adventure described by Mr Webster was a losing one!'

Whether a belief in the antiquated doctrines of the mercantile system be as general among the politicians of our country as this writer appears to imagine, is, in our opinion, very doubtful; and we could show, if it were necessary, without going beyond the pages of this journal, that at least one of the gentlemen, who are mentioned in the above extract among its partisans, has defended in print the modern theory. But, however this may be, we must venture to repeat, that the manner in which the Reviewer expresses himself on this subject, is far from being as precise as could have been wished, and might even lead an uncharitable critic to doubt whether, with all his exultation over the partisans of the 'false, contradictory, and absurd' tenets of the old theory, and all his professed devotion to the new one, he have himself a very exact idea of the real character of either. The assertion made with so much positiveness, that 'every nation carrying on an advantageous foreign commerce must import *more* than she exports,' is not only obviously false, but is plainly contradicted by the principle repeatedly laid down by the Reviewer himself, that all commerce is of necessity an exchange of equivalents.*

* Mr Adams, in his last Message to Congress, affirms it to be 'a general law of prosperous commerce, that the real value of exports should, by a small and only a small balance, exceed that of imports, this balance being a permanent addition to the wealth of the nation.' The President's remark, which was doubtless founded on some particular view of the subject before his mind at the time of writing, is precisely the reverse of that of the reviewer; and as the latter is true only of nations who have more than an equal share of the navigation necessary for conducting their foreign trade, so the former appears to be correct only on the opposite supposition, that a nation has less than an equal share of this navigation. Thus the real value of

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'Jonathan,' says the Reviewer, 'is not quite so simple as to export any commodity except in the view of importing a more valuable one in its stead.' What then, on this supposition, must be the simplicity of John Bull and other foreigners, who send him the more valuable commodity in return? If called on to explain his remark, the Reviewer would perhaps say, that he meant by a nation carrying on an advantageous commerce, one that was *largely engaged in navigation;* and in this sense of the phrase the observation would be true, because, in the accounts between a nation so situated, and those with which she deals, the article of merchants' profit would probably be greater on her side than on theirs, and the difference must, of course, be balanced by an additional quantity of goods. But this is obviously a particular case, which forms an exception from the general rule; and the Reviewer, in bringing forward this exception as the general rule, in opposition to his own repeated statements of the latter in the same article, has sacrificed not only accuracy and truth, but common consistency, to his eagerness for a triumph over the 'transatlantic illuminati.'

Again; although the 'transatlantic illuminati' would cheerfully admit, that a nation, which is more largely engaged in navigation than those with which she deals, will necessarily import more than she exports, they probably would not affirm, as the Reviewer supposes, that a nation so situated has *therefore* the balance of trade against her. The Reviewer either does not know, or has inadvertently overlooked in the ardor of controversy, what was meant by the partisans of the mercantile system when they spoke of a favorable and unfavorable balance of trade. A nation was said by them to have the balance of trade in her favor when she exported more of all other articles than she imported, and received the value of the

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the exports of China is, as we have stated in the text, greater than that of her imports, because she must pay the foreign merchant, not only for the articles he brings, but for his trouble and expense in bringing them. The United States, on the other hand, having more than their equal share of the navigation employed in their trade with foreign nations, and receiving pay from the latter for this excess as well as for the articles they carry, must of course regularly import more than they export. The President's remark is therefore apparently incorrect in its application to our country, the one which he may be presumed to have had particularly in view. Both principles, considered as general truths, are at variance, in opposite ways, with the acknowledged axiom, that commerce is naturally an exchange of equivalents.

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difference in specie. The balance was against her, on the other hand, when she imported more of all other articles than she exported, and paid the value of the difference in specie. Thus China has, in their phraseology, the balance in her favor on her trade with Europe, because on comparing the articles exchanged (the total value of which must of course be equal after making allowance for the excess of navigation on the side of Europe) it appears that the Chinese regularly export more of all other articles than they import, and receive payment for the excess in specie. In the same way, and for the same reason, the balance is said to be in favor of Great Britain on her trade with the United States. In these and all such cases, the article of *merchants' profit*, which the Reviewer absurdly represents as constituting, according to the mercantile system, an unfavorable balance of trade, has obviously nothing whatever to do with the matter. It is simply one of the items in the account between the two parties, which usually appears on both sides, and is regularly the same on both, because the carrying trade of two countries naturally divides itself between them in equal shares. When the shares are unequal, the excess of navigation on one side is compensated by an excess of goods on the other; but this circumstance has, as we have said, no connexion whatever with the balance of trade, which is calculated on wholly different principles. Thus, in the trade between the United States and Great Britain there is an excess of navigation on our side, which is of course compensated by an excess of goods on the other. We import for this reason more than we export. But if the excess of our imports over our exports only went to this extent, the balance would not be against us. The balance is said to be unfavorable, because, after setting off against each other all the other articles exchanged, and allowing for the excess of navigation on our side, there still remains a further excess of imports to be settled by a payment in specie, which is in fact annually remitted by us for this purpose, and received by Great Britain. Under such circumstances, the party which receives the specie payment is said, by the adherents of the mercantile theory, to have the balance of trade in its favor, and the reverse; but the excess of navigation, on which side soever it may happen to fall, has no more to do with the balance than any other item in the account of either party.

We must therefore venture to suggest, with the deference

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due to so great an authority, that the Reviewer is mistaken when he says, that every nation carrying on a prosperous commerce must import more than she exports; that he is again mistaken when he says, that a nation so situated would *therefore* be said, by the partisans of the mercantile system, to have the balance of trade against her; and that he is consequently mistaken a third time, when he says that the reverse of the mercantile theory is true. The theory is, that a nation derives great advantages from receiving a specie balance on the settlement of the account of its exchanges with foreigners. The reverse of this theory would be, that it is a very advantageous thing to pay out regularly a specie balance of this description. Now, although the advantages of receiving a specie balance are no doubt wholly imaginary and the theory which supposes their reality false, it would show, if possible, a still greater wildness of imagination to think that there is any positive advantage in regularly paying out such a balance. According to the modern and generally received theory, neither one nor the other of these operations is in itself either advantageous or disadvantageous. The reverse of the old doctrine is just as 'false, contradictory, and absurd,' as the doctrine itself; and the Reviewer, by asserting the contrary and by the other mistakes which he has made on the subject, exposes himself somewhat ungracefully, as in the passage before quoted, to a well grounded charge of inaccuracy at the very moment when he is pluming himself with more complacency, than it would perhaps be quite civil to express, were it even better founded, upon his superiority over the leading American statesmen.

The remarks contained in the last quoted extract on a case, mentioned by Mr Webster in his speech on the tariff law of 1824, confirm what we have just said respecting the indistinctness of the notions of the Reviewer on this subject. It would be difficult, indeed, to accumulate a greater number of errors within the same space than are to be found in his observations upon this transaction. A merchant ships to India the sum of seventy thousand dollars in specie, and after several intermediate voyages and exchanges receives a return of one hundred and fifty-five thousand dollars in money and fifteen thousand in goods, making a total of one hundred and seventy thousand dollars, and giving an excess of imports over exports of one hundred thousand dollars. This excess, says the Reviewer, is considered by the advocates of the mercantile system as

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constituting an *unfavorable balance* of trade to the same amount; and as the voyage was a profitable one, the case proves that the theory of the mercantile system is false, and that the reverse of it is true. He considers the argument so conclusive, that he believes it will carry conviction to every one, who may happen to throw his eyes over the article. But how stands the fact? All commerce is in its nature an exchange of equivalent values; and if we suppose this transaction to take place in a regular course of trade (without which it proves nothing any way), the difference of one hundred thousand dollars between the value of the exports, and that of the imports, is exactly equal to the ordinary returns on the other capital beside specie employed in the voyage. Thus far, therefore, the largeness of the difference between the value of the imported and that of the exported article only proves that the capital has been out upon a long voyage, but has no tendency to show whether the transaction be, on the theory of the mercantile system, a gaining or a losing one. In order to ascertain this, we must look at the nature of the articles exported and imported, and ascertain whether there was a specie balance on either side, and if so, on which. On examining the transaction for this purpose, it appears that there was a gross return in specie of one hundred and fifty-five thousand dollars, and setting off the specie exported against an equal amount of that imported, a clear specie balance of eighty-five thousand dollars in favor of the American merchant. And this, says the Reviewer, is considered by the partisans of the mercantile system as a *losing concern!* It is really pleasant to find a person, who gives himself the airs of a doctor in the science, affirming that a voyage, which brings into the country a large specie balance, is considered in the mercantile theory as a losing concern, when every novice is aware that this precise circumstance is, according to that theory, the sure and only criterion of a winning concern. An operation of the kind alluded to would undoubtedly be considered, by the adherents of the mercantile system, as a most advantageous one; and is in fact expressly described as such by Mun, one of the principal writers in defence of that theory, as quoted by Adam Smith, in his chapter on the subject. 'The exportation of gold and silver,' says Mun, 'in order to purchase foreign goods, does not always diminish the quantity of those metals in the kingdom, because those goods might be reëxported to foreign countries,

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and being there sold for a large profit might bring back much more treasure, than was originally sent out to purchase them.' We cannot but recommend it to the Reviewer before he again assumes a dictatorial tone on the subject of the mercantile system, and the balance of trade, to read over carefully what Adam Smith has written on the subject; and we venture to assure him that this useful labor, if it do not increase his zeal in favor of the modern doctrine, which appears to be already sufficient, will enable him to exhibit it in a manner more according to knowledge, than he has in the present article. As respects the case alluded to, although it illustrates very well what the adherents of the mercantile theory mean by an advantageous voyage, it has obviously no tendency whatever to show whether the theory be true or false, and has in fact no bearing whatever on the question.

2. The other inconvenience, which in the opinion of the Reviewer is likely to result from the operation of the Tariff, namely, the transfer of capital from agriculture, seems, as presented by him, to be little else than a statement in a different form, of the one we have just been considering, and of course falls with it. The Reviewer evidently reasons on the supposition, that we now have an ample foreign market for, and in fact actually export, all the agricultural produce that we can possibly raise, beyond what we want for our own consumption, in exchange for European manufactures; and that any diminution in the amount of our imports of manufactures would necessarily be attended by a corresponding diminution of our exports of agricultural produce, and consequently of our production in this line; and that the capital thus disengaged would be employed in establishing the manufactures which are to furnish the supplies we before received from abroad. Such appears to be the nature of the transfer of capital from agriculture, which he anticipates as one of the results of the Tariff. But we have already shown that our trade with Great Britain is not, and never can be, of the kind which the Reviewer wishes and supposes it to be; that the British demand for our great staple articles of export is wholly independent of the quantity of our imports of her manufactures, and that it would not be in the least diminished, or prevented from increasing as rapidly as it otherwise would, by any diminution in the amount of those imports. This being the case, it is obvious that no part of the capital employed in producing these staples would be disen-

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gaged by the effect of such diminution, and that no transfer of capital from agriculture of the kind contemplated by the Reviewer could possibly take place by any operation of the Tariff.

On a more general view of the subject, it is quite obvious that the establishment of domestic manufactures, instead of withdrawing capital from agriculture, must have a direct and most powerful tendency to encourage it. The objection of the Reviewer proceeds on suppositions so completely at variance with the results of the most familiar experience, that we really wonder how it could be urged by a writer of ordinary discretion. Any circumstance that withdraws capital from land depresses its value; but it is perfectly well known that the establishment of manufactures regularly raises the value of all the land within the reach of their influence, or, in other words, increases the demand for it, and the amount of capital represented by it. The reason why it does so, is not less obvious than the fact is certain. The increase of population by an addition of hands, not employed in agriculture, furnishes to the same extent a new market for agricultural produce, and occasions of course a corresponding extension of agricultural labor, and rise in the value of land. These results, as we have shown already, can never be produced in an equal degree by the use of foreign manufactures; and in the particular case of the United States, we have had occasion to state what has apparently been overlooked, or rather is positively denied, by the Reviewer, that we have no foreign market whatever for the agricultural produce of by far the larger portion of our population, who of course have no means of disposing of any surplus, excepting in the way of exchange for other products of domestic industry. It is quite clear that while the extension of domestic manufactures has no tendency to diminish the amount of agricultural labor employed in producing the articles which we are able to export, its necessary effect in reference to the much larger portion, employed in producing articles which we are not able to export, instead of discouraging agriculture, as the Reviewer pretends, occasions an extension of it, of precisely equal importance. Every dollar invested in domestic manufactures leads to the investment of a dollar in agriculture, which could not otherwise have taken that direction, or in other words, adds a dollar to the value of the land. If these principles were not too familiar to require either proof or illustration, it would be easy to place them beyond the reach

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of doubt by reference to our own short experience, as far as it goes, and to the still more complete and satisfactory results of the longer experience of older countries. We are not informed that land has fallen in value in the neighborhood of Waltham or Lowell, Patterson or Pittsburg, or any of our other manufacturing towns; or that the revenue of the British landholders has declined in consequence of the prodigious extension of domestic manufactures, which has taken place in that kingdom within the last half century. It is indeed surprising that a British writer, with the difference of the rental of England, as it is now and as it was fifty years ago, before his eyes, can seriously affirm that the establishment of domestic manufactures has a tendency to withdraw capital from agriculture, or in other words, to depress the value of land; and were it not for the just confidence we feel in the good faith and seriousness of the Reviewer, we should be tempted to suspect that in making an objection to our protecting policy, which supposes such a principle, he was insidiously practising upon what, with his characteristic elegance of style, he would probably call the *gullibility of Jonathan.*

However this may be, it is quite certain that the objection is founded on a supposition of principles not only false, but directly the reverse of the truth, and that the extension of domestic manufactures, instead of withdrawing capital from the land, must have a direct tendency to encourage agriculture, and is indeed the most effectual and only way in which it can be encouraged in any other form than that of clearing wild land. The degree to which an extension of domestic manufactures of a given amount would operate on agriculture, may be conjectured by reference to the present state of our foreign trade, taken in connexion with some of the most familiar truths in political economy. The great agricultural staples which we export to Europe, are the main produce of the labor of a part of our country containing at present not less than three million inhabitants. Now as all commerce is an exchange of equivalent values, and as the value of all objects is determined by the quantities of labor respectively bestowed upon their production, it is certain, that if we send to Europe in exchange for manufactures the produce of the labor of three million persons, or whatever other number we choose to assume, the manufactures we receive in return must also be the produce of the labor of the same number, and if made at home, would give

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employment to an equal number of our own citizens, and create a new demand of proportional extent for the agricultural produce necessary to their support. In other words, the domestic manufactures competent to supply us with the articles we now receive from Europe would give us (on the above supposition as to the number of persons employed in producing our exports, which will probably not be thought too high,) a manufacturing population of three millions, and an additional agricultural population of three more, making a total addition to the population of six millions, and of the products of the labor of six million persons to the annual revenue of the community. Such would be the results of the establishment of manufactures, supposing the consumption of domestic products to be exactly the same with that of foreign ones before; but another effect of the same cause would be, as we have already shown, to occasion a greatly increased consumption of manufactures; and in the same proportion in which this increase should take place, would the addition to the population and wealth of the country be greater than we have stated it above. How far this extension of manufacturing industry might in time be carried, or what may be considered as the natural and regular proportion between the number of persons belonging to the same community who are employed respectively in agriculture and all other employments, of those who produce the raw material and of those who fashion it for use, is an interesting question, which we need not here undertake to settle. In the United States, it has been calculated that there are seventy persons employed in agriculture to one in any other way. In England, on the other hand, the number of persons employed in manufactures and other sorts of work is larger than that of the cultivators in the proportion of three to two. If we suppose one third of the British manufacturers to labor for foreign markets, which is probably a large calculation, the conclusion would be, that in a community as well supplied with the comforts of life as Great Britain, the natural proportion between the agricultural and manufacturing population is that of exact equality, and that the manufactures necessary to supply the present population of the United States in the same way would give employment to an additional population of twelve or thirteen millions, or in other words, would double the present population and revenue of the country.

Without however insisting on these remote and partly hypo-

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thetical results, it is sufficient for our present purpose to remark, that the establishment of manufactures, instead of withdrawing capital from land, has a direct tendency to extend and encourage agricultural industry. In one respect indeed this cause might produce, if not an actual diversion, at least a change in the direction, of a part of the capital and labor employed in agriculture, and that is, by checking in some degree the emigration from the settled to the unsettled portions of the country, and concentrating the population on a smaller extent of surface. In proportion as manufacturing establishments are extended in the older states, which must of course be their seat, and give employment to a large number of persons, many of the inhabitants of those states who would otherwise have emigrated to the West will be taken up by them. The native of New Hampshire, Massachusetts, or Connecticut, who finds a profitable market for his labor in a manufactory at his door, will feel but little temptation to seek a better, on the banks of the Wabash or Missouri. In this way the hardy and generous progeny of New England, who have been so long in the habit of swarming off annually into all parts of the Union, will begin at length to settle round the parent hive, and reserve for the profit and glory of their own rocky region the high talents and manly virtues which have so often shone like rich jewels on the brow of strangers. This increase of manufacturing population in New England and the other Atlantic states, by creating an increased demand for the provisions of the middle and western country, and the raw materials of the southern, will render it in turn more advantageous to the latter to extend their agricultural industry at home than to send off new colonies into the wilderness. Thus the tide of emigration, without being wholly dammed up, will be considerably checked throughout all the settled parts of the Union, and the population of them will begin to put on a more consolidated shape. This result, which does not appear to have attracted the attention of the Reviewer, although it amounts in fact, as we have intimated, to a change in the direction of a part of the agricultural labor of the country, and perhaps a transfer of some of it to manufactures, not only furnishes no objection to the encouragement of this branch of industry, but is itself a strong argument in favor of such a policy. We say not this because we feel any jealousy of the prosperous condition of the western states. Far from envying, we admire and glory in the rapid progress of their

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wealth, population, and general prosperity. We consider their progress in all these respects as affording a spectacle unparalleled for moral magnificence by anything to be met with in the annals of the world. But we are nevertheless satisfied, that the time has now arrived, when a part of that swelling tide of increase which has hitherto poured out its exuberance upon the unsettled regions on the outskirts of the Union, might be turned to better account in extending the cultivation of the arts and raising the standard of civilization in the older settlements. The precise distinction between a civilized and a barbarous community lies in the greater or less extent to which they respectively cultivate the fine and useful arts; and as we have shown already, that a region situated like the interior of the United States can never be sufficiently supplied with their products from abroad, it follows, that while the population devote themselves exclusively to agriculture, and, as fast as they increase, continue to spread themselves more and more widely over the unlimited regions which are accessible to them, they must live in a considerable degree without the knowledge of these products, and will be in continual danger of sinking into a lower state of civilization. This result has hitherto been in a great measure counteracted in the United States by the operation of powerful moral and political causes of an accidental kind. The originally excellent character of the settlers, their industrious habits, and the high tone of patriotic sentiment which has always pervaded the whole western population, have hitherto maintained them at a point of civilization, which, considering their circumstances, is hardly less wonderful than the rapidity of their progress in wealth and greatness. But the only way in which the advances they have already made can be secured, and a solid foundation laid for the fabric of social improvement, is by naturalizing on the spot the cultivation of the useful arts; and as far as the protecting policy may have the effect of diverting into this channel any portion of the labor and capital of the country from the business of clearing wild land on the borders of the Union, it will work, in our opinion, a material change for the better.

The population, by thus putting on a more condensed form, would be at once more comfortably situated, as respects the enjoyments of life, and greatly improved in its intellectual and moral habits. The complaint that manufactures have an injurious effect on the morals of the people, has

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become, we imagine, nearly obsolete, and was obviously founded on a view of the subject not only false in itself, but directly the reverse of the true one. The objection furnishes indeed a very curious example of the power of names. If those who make it were asked what opinion they entertain of the moral tendency of the cultivation of the fine and useful arts (the same thing under another name), they would probably reply without hesitation, that they deem it exceedingly beneficial. Such at least must be the answer of all who are not prepared to maintain, with the crazy sophist of Geneva, that the savage state is the one in which our nature attains its perfection, and displays itself in all its glory. The truth undoubtedly is, that labor, under whatever form, is the direct source and only real security of good morals; and it must of course be taken for granted that the principle holds of manufacturing labor, as of every other, at least until the contrary be proved. The sentimental effusions of Mr Southey in his 'Espriella's Letters' respecting the forlorn state of the workmen in some of the British manufactories, which form, we believe, the only argument that has yet been adduced for this purpose, are not in our opinion entitled to a serious refutation, and are alluded to with contempt by the Reviewer himself.

It is somewhat curious to remark, while on this subject, the change which seems to have taken place in the language of our transatlantic critics respecting the present state of civilization in the interior of the United States. Hitherto, reversing the maxim of the Latin poet which forbids us to notice a few chance spots in a generally brilliant picture, they have habitually overlooked the grand and striking features in the situation of the country, and fastened their whole attention upon some petty blemishes which may be detected by a scrutinizing eye in particular parts. From quarter to quarter we have been entertained by the London Reviewers with the continual repetition of a few isolated anecdotes which were supposed to prove beyond dispute the ignorance, grossness, and ferocity of the population of the West. The Edinburgh censors, in a style, it is true, somewhat less coarse than that of their courtly brethren of the south, have been equally ready to indulge, in their own way, in a gentle sneer at the manner in which the decencies of life are observed in the back settlements. Now admitting that this perpetual strain of calumny, instead of being, as it is in the main, completely gratuitous, had a reasonable foundation in

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fact, what would it prove? Why, that the interior of the United States is at present deficient in the cultivation of the fine and useful arts. But this deficiency is felt, though not under the form indicated by these foreign calumniators, by the population of that region, and they are making great efforts to supply it, and to obtain for this purpose the assistance of government. Such efforts we should naturally suppose would have been looked upon with an eye of favor by our critics, and it might perhaps have been expected that they would have triumphed a little in what they might have regarded as a partial confirmation of the truth of their strictures. Instead of this, the very same writers who have been heaping upon us every term of obloquy which the language would afford, for our supposed neglect of the arts, now assail us with fresh volleys of abuse and sarcasm for endeavoring to introduce and encourage them. It is quite amusing to find how they have become suddenly enlightened in regard to the present situation of the interior of the country by the attempts that are making to improve it. It is no longer, as before, the haunt of *gougers*, *regulators*, and other such

'Gorgons, and Hydras, and Chimeras dire,'

from whose clutches a quiet English traveller could hardly expect to escape with his eyes safe in their sockets, but the abode of 'an industrious population employed in clearing the land and extending the empire of civilization.' The danger now is, that these laudable pursuits will be exchanged for *predatory and ferocious habits* in consequence of—what, gentle reader? *the cultivation of the arts!* Lest the reader should be tempted to question the testimony of our eyes, which we have found some difficulty in believing ourselves, we quote the passage as it stands in the article before us. 'The Americans, instead of having the population on their frontier engaged in the clearing of land and extending the empire of civilization, will imbue them with predatory and ferocious habits, and teach them to defy the laws, and place their hopes of rising in the world not in the laborious occupations of agriculture, but in schemes to defraud the public revenue.' The Latin poet tells us that it is the cultivation of the arts that prevents men from being ferocious;

'Ingenuas didicisse fideliter artes,
Emollit mores, nec sinit esse feros.'

Our critic, on the contrary, has discovered that it makes them so, and that the interior of the Republic which has now, it seems,

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become all at once a Paradise of innocence and refinement, is to be demoralized by the invasion of the demon of domestic industry! All this is pleasant enough; but without dwelling any longer on the various shapes under which the Proteus self-interest successively exhibits himself in the mother country, we may safely rest in the general conclusion, that although the state of civilization in the interior is not, and never has been, what the British critics have hitherto constantly represented it, it is nevertheless susceptible of improvement, and that the only possible means, by which this improvement can be effected, is the more extended cultivation of the fine and useful arts, which it is the object of the protecting policy to encourage.

It results from the hasty suggestions we have here offered, if they be well founded, that there is no reason to suppose with the Reviewer, that the Tariff will either diminish our exports or withdraw capital from land, and that its regular operation will be, on the contrary, to produce an extension of industry in all its great branches, and a corresponding increase in the wealth, population, and general prosperity of the country. The inconveniences, which in his opinion were likely to result from the growth of domestic manufactures, are therefore entirely illusory, and the community will enjoy, without the alloy of any attendant disadvantages, the great benefits which by his own admission regularly flow from that cause. If this be true, and if it be also true, as we are ready to admit, that industry naturally takes of itself the direction most conducive to the general good, excepting so far as it is checked or diverted from its course by accidental causes, it might be pertinently enough inquired, what are the accidental or artificial causes which have so long prevented, in the case of the United States, that development of manufacturing industry, which would have been so highly advantageous, and which might therefore have been looked for as a natural result of the circumstances in which they were placed. It is of course impossible for us, in an article of this kind, to enlarge on every part of so vast a subject, and we must confine ourselves on this head to a few very brief suggestions.

1. The condition of new colonies naturally leads them to confine themselves, during the earliest period of their existence, to agricultural pursuits, and to receive their manufactures from the mother country. This circumstance accounts for the absence of manufactures for the first half century after the date of the settlements.

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2. At about the same time when these became so extensive as to afford a suitable field for domestic manufactures, the mother country imposed a rigorous prohibition upon the exercise of this branch of industry, which remained in full force until the declaration of independence.

3. When the country had obtained its independence, and began to recover from the exhaustion of the revolutionary war, the circumstances of the world were such as to hold out great inducements for the investment of capital in commerce and agriculture. This state of things continued until the commencement of the series of political embarrassments which preceded the war with England.

It appears therefore that from the date of the first settlements up to the very recent period just alluded to, there has always been some powerful cause of an accidental or artificial character in operation, tending to prevent the growth of manufactures. Before the last of these causes had ceased to produce its effects, the wealth and population of the country had risen to such a height, that the absence of domestic manufactures had come to be a sort of practical solecism in our economical condition; and no sooner was the obstacle removed, than they in fact started into being with a kind of violent impulse, which, though compressed for the moment by the inundation of British goods, that overwhelmed our markets at the renewal of peace, and more recently again by other accidental causes, is yet far from being lost. No circumstance within the reach of present foresight, supposing our internal union and tranquillity to be preserved, can prevent or materially delay the growth of manufactures. Whether protected by government or not, they must and will thrive, and, at no distant period, reach a point of perfection, which will secure them from foreign competition, far more effectually than the highest duties or the most rigorous prohibitions. This is thought by some to be a reason why legislative encouragement is unnecessary and inexpedient; but we confess that we cannot agree in this view of the subject. We deem it, on the contrary, the precise character of all wise and useful legislation to follow and aid the operation of natural causes. If the country were not ripe for the establishment of manufactures, the attempt to force them by law could not possibly succeed, and would produce nothing but positive mischief. But however favorable may be the circumstances under which they are established, and however certain their ultimate success

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with or without protection, it by no means follows that protection is superfluous. Infant institutions of every description, however judiciously planned, are liable to be injured by accidents which would not affect them in a mature state. In the present case, by permitting foreign fabrics to enter freely into competition with our own, we bring ourselves within the reach of those tremendous fluctuations in the course of trade, which in the present diseased state of society in England are almost perpetual, and which plunge everything, that has not the iron stamp of maturity on it, into remediless ruin. Although nothing can prevent our manufactures from ultimately thriving, a single revulsion of this description may consign a generation of manufacturers to bankruptcy. To secure our rising industry from such disasters is in our opinion the policy and duty of a wise and patriotic government. To say with the Reviewer that the legislation, which is intended to effect this purpose, is an attempt to *force* manufactures, is about as reasonable as it would be to say, that the planters of Louisiana and Georgia force their sugar and cotton, because they employ the most approved methods for raising them in perfection. To *force* a product is to obtain it with extraordinary labor and expense, from a soil and under circumstances not naturally adapted to it. To employ the means necessary for obtaining it from a congenial soil and under favorable circumstances is not to *force* but to *cultivate* it; and we know that without judicious cultivation the most precious shoots run to waste, and the richest ground produces nothing but brambles. If we doubted the capacity of the United States to supply their own wants in the way of manufactured articles, we should then doubt the expediency of a protecting policy; but on this head we cannot allow ourselves for a moment to entertain the slightest scruple. When we reflect upon the variety and excellence of the natural products, animal, vegetable, and mineral, that enrich the different parts of our magnificent and almost boundless territory; the cotton, the sugar, the rice, the tobacco, the corn, the hemp, the flax, that cover our plains; the flocks and herds that feed upon our pastures; the groves and forests of oak, live-oak, cedar, pine, maple, and every other useful and ornamental tree, that overshadow the tops of our mountains; the wealth of really precious metals and other fossils, the iron, the lead, the coal, the salt, the granite, the marble, that fill with inexhaustible and incalculable treasures their hitherto almost unexplored recesses;--

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when we reflect on this unexampled abundance of materials, and consider at the same time the great natural advantages we possess for turning them to account, in the number and opportunity of our rivers and water-courses, which furnish at once the cheapest power for moving machinery and the happiest facilities for communication between the different sections of the country; in the intelligence, enterprise, and industry, and we may venture to add, temperance, patience, perseverance, and generally high moral character of our citizens; above all, in that singular blessing of Providence, by the effect of which it has happened, in recompense perhaps for the rare virtues which distinguished our fathers, that in this favored region, and this alone upon the wide face of the earth, the individual is permitted to enjoy the fruits of his labor undiminished either by the arbitrary violence or exorbitant legal exactions of government;—when we reflect on this extraordinary combination of favorable circumstances, we cannot hesitate to affirm that our situation is eminently auspicious for the establishment of almost every branch of industry. We should deem it a libel on our countrymen to suppose that they must painfully carry their rich natural products to other countries, four or five thousand miles distant, in order to have them fashioned for use; and we are well satisfied, as we remarked before, that no accidental causes or want of legislative protection can much longer prevent us from supplying ourselves with most of the articles which we now receive from Europe. With these convictions, and believing also at the same time that, although the ultimate success of our manufacturing establishments cannot be questioned, they are liable while yet in an infant state to suffer by the effect of foreign competition occasional blights, which, if comparatively unimportant to the community, are yet fraught with ruin to individuals, to families, and even to whole classes of citizens, we regard the situation of the country as that in which a judicious protecting legislation may be applied with the best results to its appropriate purpose of aiding the healthy operation of natural causes, and averting accidental and temporary evils. We therefore cannot hesitate in giving it the support, however feeble, of our concurrence and express approbation.

It is time, however, to draw this article, already of a length which could only be justified by the importance of the subject, to a close. We cannot conclude without expressing a hope that the policy of the government, on this subject, will never be

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affected by the progress or results of any of the ephemeral struggles for place and power, that have divided and may hereafter divide the citizens. The duty of encouraging and protecting our own industry should, and will, we trust, be regarded by all the parties that may successively predominate as too high, too vitally important,—too sacred, we might almost say,—to be overlooked in deference to any suggestions of immediate interest; and, what is perhaps a still better security for its future observance, its very importance and the consequent general popularity of all measures taken in fulfilment of it, will always render it the immediate interest of our statesmen, however divided on minor points, to unite in pursuing such a course. The protecting system has in fact become already the settled policy of the country. It was recommended and sanctioned at the outset of the government by the powerful mind of Hamilton, a name which stands higher, both abroad and at home, for skill in practical legislation, than almost any other that adorns our political history, and is nearly sufficient of itself to give authority to any opinion. It survived and flourished through all the various turns of the long contest for power, in which that statesman and his contemporaries were afterwards engaged. At the close of the war with Great Britain, which finally terminated these ancient feuds, the protecting policy was resumed with renovated interest and vigor by the united community, and has ever since been constantly gaining upon the general favor. During the late struggle for the Presidency it was professed with equal zeal, and probably with equal conviction, by a decided majority of the friends of all the candidates; and the great states, whose powerful influence contributed mainly to the elevation of the successful one, Pennsylvania, New York, and Ohio, have always been its warmest adherents and principal supporters. The President himself has given in print, both before and since his election, satisfactory indications of the concurrence of his sentiments on this subject with those of the people. We have a right to suppose therefore, that the influence of the administration will be exerted in future, as it has hitherto been ever since the foundation of the government, in favor of this policy. A strong disapprobation of it has no doubt been manifested by a considerable, and every way respectable portion of the planters of the Southern, and the navigators of the Northern states; but longer experience will convince even them, that it is not less

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beneficial to their interests than to those of the rest of the community; and we confidently trust, that Congress, unmoved by any temporary burst of opposition, and especially unmoved by the declamations, the sophistry, or the sneers of interested foreigners, will exhibit, in their future proceedings on this subject, the uniformity, steadiness, and wisdom, which have characterized those of all their predecessors. We mean not to intimate an opinion, that they should make no alteration whatever in the details of the existing Tariff, which may be, and probable is, in some parts, susceptible of improvement. We only mean, that all the legislation on economical matters, however modified in particular points, should display throughout the grand and leading features of a real *American System.*

ART. VII.—*Lafayette en Amérique en* 1824 *et* 1825; *ou Journal d'un Voyage aux Etats-Unis.* Par A. LEVASSEUR, Secrétaire du Général Lafayette pendant son Voyage. Orné de onze Gravures et d'une Carte. En deux Volumes. 8vo. Paris. 1829.

WE have been agreeably disappointed in this work. We feared, that the general familiarity with its subject, at least on the part of its American readers, would take from it all the interest of novelty, and that, from the nature of the case, it must want that of variety. We have found, on trial, that, in both respects, our apprehension was ill-founded. Although we certainly watched the progress of the nation's guest through the country, with the most willing and unabated attention, yet we find, that the details of his progress, in the remote sections of the union, were not, as it was not to be expected they should be, transferred to the public journals in this quarter. A corresponding remark, no doubt, would hold true of any other district of the United States; and we are well persuaded, that wherever the work is taken up, a good portion of the contents will be substantially new to the reader. This will of course be strictly the case with all those parts of the two volumes which relate to matters of a character not to come before the public at the time, or not from any other source than the General himself, or some person directly connected with him;—

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everything strictly personal in its nature. Then as to variety, it is not the least astonishing fact connected with this extraordinary visit,—an event, taken in all its parts, unparalleled in the history of man,—that its narrative exhibits an unbounded variety of incident, circumstance, and adventure. The arrival of this great and good person in the country, the reappearance of this friendly genius in the sphere of his youthful and beneficent visitations, seemed to call up the whole population of the country in array to welcome him; but not in the stiff uniform of a parade, not in the court dress of a heartless ceremony. Society presented itself before him in all its shades and gradations, of which more are to be found coëxisting in the United States than in any other country. The wealth and luxury of the sea-coast, the newborn abundance of the West; the fashion of the town, the cordiality of the country; the authorities, municipal, national, and state; the living relics of the revolution, honored in the honors paid to their comrade in arms; the scientific and learned bodies, the children at the schools, the members of the associations of active life and of charity; the exiles of Spain, France, and Switzerland; banished monarchs; patriots of whom Europe was not worthy; the African and the Indian;—all took an active and an appropriate part in this auspicious drama of real life. Had the deputed representatives of these various interests and conditions been assembled at some grand ceremonial of reception, in honor of the illustrious stranger, it would have itself, even as the pageant of an hour, have constituted an august spectacle. It would then have borne a worthy and proud comparison with those illustrious triumphs of heroic Rome, where conquered nations and captive princes followed in the train, and which seemed, with reason, to lift the frail mortal, to whom they were conceded, above the earth over which he was borne.

But when we consider, that this glorious and purer triumph was coëxtensive with the Union; that it swept from state to state, and from section to section, one long, unbroken career of rapturous welcome,—banishing feuds, appeasing dissensions, and hushing all tumults but the acclamations of joy,—uniting in one great act of public salutation a fierce and free people, on the eve of a furious contest, with the *aura epileptica* of the canvass already rushing over the body politic; that it was continued near a twelvemonth, an *annus mirabilis* of rejoicing, auspiciously commenced, successfully pursued, and happily and

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gracefully accomplished, we have in it the elements and substance of a great chapter in the fate of nations, nowhere else to be found; and which, to be realized and relished, must have been witnessed. The fate of nations, we say, for it was nothing less. In addition to what was peculiar and personal in Lafayette,—and of this there was enough to furnish out a liberal assignment of merit to a dozen great men of the common sort,—it was necessary that numerous high associations should have linked his name with all the great political convulsions of the day. Having performed an arduous, dangerous, honorable, and successful part in that crisis in the fate of our own country, which is of itself unexampled in human things, it was necessary, that, pursuing the path of immortal renown, on which his feet had laid hold in America, he should have engaged among the foremost in that stupendous revolution of his own country, where he stood serene amidst the madness of an empire; wielding, without abusing, a military force as far greater than that of the Emperor Napoleon, as the spontaneous rush of a whole race of men is more formidable than the march of a class of the conscription. It was necessary to the feeling with which Lafayette was received in America, that he should have nobly washed his hands of the blood of that revolution, and that the emperors of the earth, in mockery of the long-suffering of Providence, should have immured him in their dungeons for having protected their crowned daughters from the midnight assassin. It was necessary, when another stupendous reaction of things had seated the man of destiny on the throne of France, and, as it seemed, of Europe, that Lafayette alone, not by a convulsive effort of fanatical hardihood, but in the calm consciousness of a weight of character that would bear him out in the step, should deliberately, and in writing, refuse to acknowledge the power, before which the whole contemporary generation quailed. When again the wheel of empire had turned, and when this dreadful colossus had been crushed beneath the weight of Europe (mustered against him more in desperation than in self-assured power), and in falling had dragged down to the dust the honor and the strength of France, it was necessary, when the dust and smoke of the contest had blown off, that the faithful sentinel of liberty should have been seen at his post, ready again to stake his life and his reputation, in another of those fearful and critical junctures, when the stoutest hearts are apt to re-

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treat, and leave the field to desperate men,—the forlorn hope of affairs,—whom some inevitable necessity crowds up to the breach. To refute every imputation of a selfish policy, of a wish to restore himself in the good graces of restored royalty, it was necessary that he, the only individual of continental Europe, who, within the reach of Napoleon's sceptre, had refused to acknowledge his title, should be coldly viewed by the reappearing dynasty, and that he should be seen and heard, not in the court or the cabinet, but at the tribune, the calm, rational, ever consistent champion of freedom, a representative of the people in constitutional France. These were the titles of Lafayette to the respect, the love, the passionate admiration of the people, to whom he had consecrated the bloom of his youth, for whom he had lavished his treasure and his blood.

We might have added, that, in order to give even to common minds a topic of delightful and mysterious admiration, when strong minds were tasked to do justice to the theme,—in order to make a character, in which even the ingredients of romance were mingled up with the purest, loftiest, and sternest virtues, these just and authentic titles to respect were united in an individual who had been placed by birth, education, and fortune, in the foremost circle of the gay chivalry of France; who sacrificed all that a false ambition could covet, before he aspired to all that a pure and noble ambition could reach; and thus began life, by trampling under foot the glittering baubles, which Chatham accepted, and Burke did not refuse, and for which the mass of eminent men in Europe barter health, comfort, and conscience. Such was the man whom the Congress of the United States invited to our shores, and who came to gather in the rich harvest of a people's love. Well might he do it. He had sown it in weakness; should he not reap it in power? He had come to us, a poor and struggling colony, and periled his life in our cause; was he not entitled to the gratitude of the flourishing state? When he embarked in our cause, it was the utmost he could have promised himself, in the ordinary calculation of human things, and in the almost desperate event of a successful issue to the struggle, that some far distant posterity would illustrate, by the growth and prosperity of the country, the value of those services which he had contributed to her freedom. It was just, that he should himself come to witness and enjoy its rapid, its miraculous growth and elevation. We pity the hearts, quite as much as

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we do the heads of those, who have seen and proclaimed in his brilliant reception, nothing but an 'ostentatious love of parade.' There never was a simpler, juster movement of a people. The triumph of Lafayette through America was as righteously due him, as the harvest is due to the husbandman, who has planted the seed and tilled the soil. His services, his character, his history, his life were fairly and richly entitled to it; and though, most manifestly, nothing more unpremeditated and unexpected ever took place in the affairs of a nation, yet, had the most rigid deliberation on what was decent and proper preceded his visit, not a shout of welcome would have been retrenched. He deserved it all for himself; and it was also due to the principles which had guided him, and the great cause which, in both hemispheres, he had served.

In common cases, nations must necessarily act and speak through the organs of their government, and less directly through that of the press. But it cannot often happen, that either channel of communication does justice to the intense and hearty concert of opinion and feeling which takes possession of a free people in reference to some great exciting subjects. Occasionally this opinion and this feeling will find another and a vastly more general, emphatic, far-resounding utterance; usually by means of primary assemblies throughout the country. The advent of Lafayette furnished an occasion singularly well adapted for such a testimony, on the part of the American people, to the great cause of liberty. The revolutions in Spanish America had appealed strongly to the sympathy of the people of the United States, and the unanimous recognition of their independence was a fine burst of legislative feeling; the excitement in favor of reviving Greece was widely felt, and warmly expressed, and liberally manifested; but neither of these subjects was in its nature so susceptible of the cordial coöperation of the American people, nor so free from all alloy of doubt and human imperfection. There was positively nothing to qualify the good will and heartiness, with which the people of America rose up to welcome the great champion of human right, and, in recognising his merit, to reassert the principles to which his life had been consecrated. Never perhaps did so fine an occasion for bearing this testimony present itself. In the common course of things, the field of battle, too often disastrous battle, has been the theatre on which a whole people, struggling to be free, has proclaimed its love of liberty. There is scarce any other oc-

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casion, that can naturally draw them forth. Here was a scene of peace and love; comprehending, from its nature, a whole people, uniting all parties, and all men who loved their country, with all the animation derived from the actual presence of a living object of respect and affection.

The very commencement and conclusion of the voyage of Lafayette,—we mean those portions of it, which were performed on the soil of France,—will furnish the best illustration of the distinction we would draw between the militant and the triumphant testimony of the friends of liberty. In the first chapter of the work before us we find the following paragraph.

'The patriotism of the citizens of Havre had prepared for Lafayette a reception in that city of a nature well calculated to touch his feelings. But the preposterous jealousy of the authorities interfered with the *fête*, and if the citizens had been less *discreet*, would have changed it into a scene of disorder and perhaps of blood. Agents of the police, *gendarmes*, and Swiss guards emulated each other, in their zeal to repress the noble sentiments of the people, during the short time that General Lafayette remained among them. It was, however, in presence of the whole population, and under the liveliest manifestations of the public feeling, that he embarked on the thirteenth of May.' Vol. I. p. 4.

This scene, to the credit of the municipality of Havre for the succeeding year, or of those, from whom that municipality received its instructions, was reversed when the General returned to France. 'As to the authorities of the city,' says Colonel Levasseur, 'they were this year all that they ought to have been the last year, and gave free scope to the manifestation of public opinion. In his passage from the port to the house of M. de Laroche, where he took up his quarters, the General had not the pain of seeing his friends threatened by the sabre of *gendarmes*, or insulted by the presence of foreign troops.'

Far different was the scene at Rouen.

'On arriving at Rouen, we took lodgings with M. Cabanon, a respectable merchant, who continued to represent the department in the Chamber of Deputies, as long as his fellow citizens were untrammeled in the exercise of the right of suffrage. The colleague and friend of General Lafayette, he had claimed the privilege of receiving at his table the guest of America; and had procured him the pleasure of meeting there with the members of his family and a large number of the most respectable citizens of the ancient capital of Normandy. Toward the conclusion of the

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dinner, the General was informed, that a numerous assemblage was collected in the street, attended by a band of musicians, and desirous to salute him. He hastened to the balcony, to acknowledge this mark of the regard of the people of Rouen. But scarcely had the first acclamations been heard, when detachments of the royal guards and the *gendarmerie* were seen advancing from each extremity of the street, in which M. Cabanon's house stood, who, without previous warning, proceeded to disperse the throng. The discretion with which the guards executed the orders received from an imprudent and blinded authority, proved how repugnant this service was to their feelings; but the *gendarmerie*, solicitous no doubt to show itself the worthy instrument of the power by which it was employed, made a *valiant* charge upon the defenceless citizen, and, without allowing themselves to be impeded by the cries of the women and children, who were trampled under their horses' feet, a manufacturer from Bolbec, an old man of Rouen, and several other persons, were severely wounded. Many others were illegally and brutally arrested. After these glorious exploits, the *gendarmes*, left masters of the field, awaited the departure of General Lafayette, sword in hand, and accompanied his carriage to the hotel where he was to lodge, abusing him as they went.' Vol. II. pp. 620, 621.

'The next morning, October the 8th, the court of the hotel was filled by young men on horseback, determined to escort the General to the first post. Their looks and some expressions which fell from them persuaded me, that their feelings still dwelt on the scene of the preceding evening, and that they had resolved that it should not be renewed with impunity. The posts of infantry and *gendarmerie* had been doubled during the night, as if great events were expected the following day; but happily the authorities stopped short, with these ridiculous demonstrations, and General Lafayette departed unmolested from the city, receiving on his way frequent manifestations of the good will of the people.' p. 623.

It is pleasing, however, to reflect, that the tone of authority has, since this period, been lowered in France, and that the voice of popular feeling is daily gathering strength and decision. And here again, amidst the ferment which agitates the anxious friends of liberty, our beloved General is the central point to which their thoughts and hopes are rallied. It is well known, that an entire change of ministry has recently taken place in France, by which the administration has been thrown back into the hands of the Ultra-royal party. The burst of public indignation has been tremendous, and while we write, the news of the overthrow of this strange new combination, is

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expected by the first arrivals from Europe. Meantime, General Lafayette, on an occasion of private business, has been led to traverse a part of the South of France, and to visit the city of Lyons. Wherever he moves he is received with demonstrations of joy, scarcely less unanimous than those which hailed him in America; and restrained by the arm of arbitrary power from a more direct opposition to a ministry, constituted in open defiance of the people's will, they have gathered about the veteran champion of the cause. He has met their advances, with a vigor and a plainness worthy of the man and of the crisis; and we recommend those, who have doubted the talent and the force of character of Lafayette, to read the speeches addressed by him to the citizens of Lyons, on entering that city, and at the public festival given there in his honor.

But it is time that we speak more particularly of Colonel Levasseur's work. We need scarcely recall to the minds of our readers, that this gentleman accompanied General Lafayette during his tour in America, in the capacity of private secretary. It appears, that he continued to sustain that relation to the General for two or three years after the conclusion of the voyage; and it is stated in the Preface to this work, as the reason for delaying its appearance till the present time, that its author felt himself restrained, by motives of delicacy, from publishing the account of this memorable tour, so long as he should remain in the service of the General. No part therefore of the responsibility of the work rests with Lafayette; at the same time, that the relation subsisting between him and the author, and the confidence implied in it on the part of the General, furnish abundant guarantee of the authenticity of every portion of it. We repeat, that, although every reader in the United States may, at first, be inclined to suppose that he derived, at the time, from the newspapers of the day, minute and adequate information on the subject of this memorable tour, there are few readers, who will not find a good portion of it recommended by substantial novelty; and still fewer to whom this continuous narrative of an event,—raised by its moral influence far above the character of a mere incident in the chapter of passing occurrences,—may not be perused to advantage. It is especially the best record, which we can preserve and hand down to our children, of one of those portions of history we would most wish them to enjoy; and were it only on this account, it ought to find a place in every American library. To

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the foreign reader, in addition to the interest arising from its main topic, it will possess considerable value for the historical and statistical information which it contains relative to the different States of the Union.

Regarding the reception of the General on his landing and in the principal Atlantic cities, as those portions of the work least likely to possess the attraction of novelty, we shall not dwell upon them. We make only the following quotation, from the chapter which relates the passage from Philadelphia to Baltimore.

'Just as we were going on board the steam-boat, which was to take us to Baltimore, we were informed that the Secretary of State, Mr Adams, had arrived at Frenchtown, on his return to Washington, and had eagerly accepted the invitation to join the party which accompanied the General, who had the pleasure of meeting in Mr Adams an old and valued acquaintance.

'Many travellers, who have visited the United States, and who pretend to be acquainted with the character of the people, have maintained that the Americans, in spite of their republican institutions, are essentially aristocratic in their manners. The following occurrence, by no means a solitary one, may serve as an answer to this accusation, the rather as it will be followed up by many others of the same character, which I shall have occasion to relate.

'On board the steam-boat, which was to take us down the Chesapeake bay, a small cabin had been prepared for General Lafayette; and as the committee of arrangements had had the kindness to think, that those who had shared his fatigues ought to share his repose, they had caused two other beds to be placed in the same apartment, one for his son, and one for his secretary. We were ignorant how our fellow travellers, who were exceedingly numerous, were to pass the night, when Mr George Lafayette, having occasion to traverse the main cabin, where we had just dined, found that it had been transformed into a dormitory, covered with beds, of which the crowd of passengers took possession without ceremony. Among those thus provided for, he was surprised to see Mr Adams. He urged him to exchange beds with him. Mr Adams declined. I came up at this juncture and joined my solicitations to those of Mr George Lafayette, adding that I hoped he would not give me the mortification of sleeping in a good bed, while a person of his character was stretched on the floor. He replied in obliging terms, but positively declined a compliance with our request. Finally, pressed by our renewed urgency, and by an appeal which we had made to the name of General Lafayette, he declared, that, even were he disposed to accept our proposal, he could not do it with propriety, as the committee had reserved

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the apartment for General Lafayette and his suite, and their arrangements ought above all things to be regarded by their fellow citizens. Mr George Lafayette repaired immediately to a member of the committee, and begged him, in the name of his father, to admit Mr Adams into our cabin, in the place of one of us. This last condition did not appear admissible to the committee, who finally determined to have a fourth bed placed in our cabin for Mr Adams, not because he was Secretary of State, but because General Lafayette had wished to have him, as an old friend, by his side. Nor would Mr Adams leave the crowd to enter our room, till he had received a formal invitation from the committee. If the American manners are prone to aristocracy, it must be admitted that the high officers of government do not enjoy its immunities.' Vol. I. pp. 334–336.

The following curious incident occurred during the visit of the General at Yorktown, which, though of course mentioned *in the papers at the time, we do not recollect to have noticed.*

'A circumstance somewhat curious,' says Colonel Levasseur, 'gave additional zest to this patriotic and military festival. I have already observed, that on the arrival of General Lafayette at Yorktown, he had taken up his lodgings in the same house, where Lord Cornwallis was quartered, forty years before. Some servants, in examining the cellar with a view to the deposit of the refreshments and stores provided for the *fête*, found a large box in a dark corner, the appearance and antiquity of which excited their notice. On opening it, they found it filled with wax candles. The address on the cover of the box was then examined, and it proved to be a part of the stores laid in for Lord Cornwallis, during the siege. The tidings of this prize spread through the house, to the tents; the wax candles were taken possession of, and lighted in the centre of the encampment, where a ball was given by the troops to the ladies of the neighborhood. A ball at Yorktown in 1824, lighted by Lord Cornwallis's candles, was a subject of no little pleasantry to the old soldiers, who attended the *fête;* few of whom, notwithstanding their age and the fatigues of the day, would quit the spot, till they had seen the candles down to the socket.' pp. 405, 406.

On occasion of this visit to Yorktown, which suggested the recollection of a brilliant exploit achieved by the coöperation of French arms, Colonel Levasseur falls into a train of reflections equally just and ingenious, and tending to expose the narrow grounds, on which the opponents of liberal institutions have chosen to place their cause, even on occasions, when it most imported them to give the widest range to the principle of conciliation, and where circumstances seemed to court them to

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adopt a generous tone. Colonel Levasseur had the gratification of receiving from an American, who is not named, details of the conduct of the French army in this campaign, alike creditable to its discipline, spirit, and bravery.

'I do not deny,' he adds, 'that these tributes to the noble conduct of my fellow citizens penetrated my heart with delight. Why, then, at the period of the French restoration in 1815, when its leaders were aiming to associate its banners with glorious recollections, or to obliterate the memory of the triumphs of the three-colored cockade, why did they perpetually invoke the standard of Henry the Fourth, which was never displayed but in civil wars, or that of Louis the Fourteenth, that led the way to dear-bought victories or disastrous retreats? Why did not *they* claim, as a lawful inheritance, a part of the glory of the American revolutionary war? Was it not beneath the *drapeau blanc*, that the grenadiers of Rochambeau marched to the storm of Yorktown? Was it not under the colors of *legitimacy*, that our marine immortalized itself, by securing the deliverance of a free people, by the dispersion of the English fleets. Would they reject this glory because it was earned in the service of liberty? I know not. But one thing is certain, that, while we were celebrating the anniversary of the taking of Yorktown, the French squadron, commanded by Admiral ———, and then lying in Hampton Roads, within hearing of the shouts with which grateful America commemorated the services of France, remained coldly aloof from a festival, which ought to have been regarded as a family *fête* of the two nations. For the rest, we were apprized that this inexplicable indifference or coldness was not shared either by the crews, or by the majority of the officers of the squadron. Among the latter some succeeded in leaving their vessels, and joining in a civil dress the patriotic festival, at which, could they have presented themselves in their character as French officers, the place of honor would have been cheerfully assigned them by the Americans.' pp. 420–422.

We must here be permitted to make a few remarks on the relations, in which the governments of Europe stand to the United States of America, considered as a power representing popular principles, in their purest form. The only leading powers of Europe, with which our relations are likely to assume a critical cast, are England, France, and Russia. Russia, although the power whose institutions would seem most at variance with our own, has ever shown the kindest disposition toward the government of the United States. Our ministers at St Petersburgh have been treated with something more than ceremonious courtesy. She offered her mediation to

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bring about a peace between the United States and Great Britain, in a manner evincing the most cordial friendship for America. Having taken a ground, in reference to the extent of her possessions on the Northwest Coast of America, and the rights of other powers in the navigation of the North Pacific, inconsistent with the claims of the United States in that quarter, instead of setting a commission of lawyers to work,—as Great Britain did on the like occasion,—to draw up a sophistical title to territory discovered, explored, and rightfully claimed by the United States, Russia came handsomely and promptly to a reasonable settlement of the question. For the only claims of our merchants on her for spoliations, she has long since made ample and honorable indemnity. All this is to the credit of the honor and probity of the Russian councils, and in that light we name it. But were she pursuing the most selfish course from the merest motives of calculation, she would not have done otherwise. No American statesman can rise from the survey of the foreign affairs of his country, without feelings of kindness toward Russia. And as surely as causes produce effects, this feeling will operate, whenever occasion is presented, by the international relations of the states of Europe and America. We admit, that, as Russia was very slightly concerned, in any way, with the revolutionary politics of the United States, this friendly course, on her part, was not attended with any difficulty; although all the prejudices of that government (a government too, which derives its tone from the feelings of one individual, and is therefore less amenable to public sentiment) might have been expected to run in an opposite direction in respect to the United States, as a revolutionary and democratic government.

France and England are more delicately situated. Natural enemies (as it is called) to each other, America is the rebellious offspring (as it is again called) of England; and although our revolution was most powerfully aided by the government of France, administered by the present reigning family, yet this same revolution is regarded as having had great influence in bringing on that of France, which, in its course, became so disastrous to the then head of that family. These circumstances, we admit, produce a relation of some delicacy; and what has been the effect? In England, generally speaking, the government party, inheriting the feelings of the year 1775, has not only retained the soreness and irritation of that period,

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but, through the literary organs under its influence, has libelled America, its institutions, its manners, and its citizens, atrociously and systematically; and still does it. The liberal party, as such, has been disposed in England to entertain a sympathy with America; and this circumstance gives to that party all the real strength they possess. But for the prosperous event of the American revolution, the issue of the French revolution would have made the very name of a liberal party a by-word in Europe for five centuries to come. If the patriots in America had been trampled down and put in the wrong, and an arbitrary government consolidated on their necks, and all the fair abounding fruits of liberal institutions, in this hemisphere, nipped in the bud; and if, on the heels of this deplorable result, the French revolution, with its train of ghastly excesses, had crowded, we say again, that the cause of liberal institutions would have stood about as fair in England, as it does at present in the Celestial empire of China. So that we make use of no exaggeration, when we say, that the liberal party in England owes whatever strength it possesses to America, and their supposed sympathy with us. On the other hand, the opposite party, by persevering in a hostile disposition, by keeping its pack of venal scribblers in full cry against us, not only most effectually strengthens the liberal party at home, but puts itself in the wrong on almost all questions, on which the good feelings of the age are strongly enlisted. If the British ministry systematically cultivated such a feeling toward us as animates the Russian government, it would not only be productive of the happiest effects between the two countries, and obviate, as far as depends on Great Britain, the cruel necessity of a periodical war, but (which, to be sure, is no business of ours) it would, more than anything else in their foreign relations, strengthen them at home. This is so unquestionable, that a weak minister is *comparatively* well disposed to the United States, and a popular minister the reverse. The whole period since the peace of 1815, till the last year, has been covered by the ministerial influences of Lord Castlereagh and Mr Canning. Of the two, the liberal minister, the minister who sprung from the people, and boasted of his origin, was by far the less liberal, in his official intercourse with the United States. Nor have we much doubt, that the case will continue to be illustrated by Lord Wellington, who, weak in those points in which Mr Canning felt himself strong,—we mean the eulogies of the

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liberal press,—will feel no inclination to add to the other embarrassments of his administration, that of keeping up Mr Canning's absurd quarrel with us, and continuing to reject the overtures, made by the United States, for a settlement of the question of the colonial trade on terms professedly satisfactory to England herself. Should this conciliatory course, however, be adopted by the Duke of Wellington, it will only be in his case, as it was in Lord Londonderry's, the convenience of the minister, triumphing over the prejudices of the Tory.

The relations of the government of France towards the United States are still more complicated, in consequence of the supposed connexion between the revolutions of the two countries. There is no cordiality between the governments of England and France, except as far as a government of France, unsupported by the popular feeling in that country, may lean upon the British government for support. But, in the nature of things, there is no predilection on the part of these governments for each other; and consequently the cordiality between the French and the American governments ought to increase, as the unfriendliness of the British councils towards us or them is apparent. In fact, from a principle of this kind was derived, no doubt, the resolution of the French government to take part in our revolutionary struggle. We speak, of course, only of the reasons of state which actuated the ministry and the king. But the close succession of the French revolution upon ours seemed to identify the overthrow of the Bourbon dynasty with the event of the American contest, and engraved a horror of all revolutions on the heart of the kings of France. But this, like all the other cruel contradictions of the French revolution, ought, for the interest of both nations, to be forgotten. France, as such, might possess, in the revolutionary recollections of America, a tower of strength. The same reasons of state, which prompted the ministry of Louis the Sixteenth to the very strong measure of sending his fleets, in a time of peace with England, to take the part of the revolted colonies, certainly suggest, to any administration of his successors, the expediency of cherishing and reciprocating the friendly sentiments of America toward France. It is for the interest of France to follow the example, not of England, but of Russia; and not to look with coldness on the ripe fruits of the revolutionary struggle, whose first germs she fostered and protected. We cannot well conceive of anything more unnatural,

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than an order given by the French ministry to the officers of a squadron of Charles the Tenth to refuse to join the Americans in 1824, in commemorating a victory gained by the coöperation of the armies of his brother, Louis the Sixteenth, in 1781.

But we return to the work before us. The passage of General Lafayette through the territory of the Creek Indians, is a portion of this narrative among the most curious. Several of the incidents, however, through some other channel, have already appeared before the public, and we may therefore venture to forbear the quotation of them. The reception of General Lafayette, by the population of New Orleans, was, in like manner, not among the least interesting occurrences of the tour. The large proportion of French intermixed with the American, in that population, was a circumstance which could not but add much to the enthusiasm, with which this illustrious son of France was received. But there were others, besides the French and Americans, that pressed with equal earnestness about him, and we are not sure that any part of these volumes has appealed more strongly to our own feelings, than that which records the interview of the Spanish patriots with General Lafayette.

'In the course of the morning,' says Colonel Levasseur, 'a deputation of Spanish settlers and refugees waited on the General, to pay their respects to him, and especially to express their gratitude to him, for the manner, in which, in the Chamber of Deputies, he had opposed the invasion of Spain, and the overthrow of the liberal constitution. The organ of the deputation thus expressed himself;

'"General, the Spaniards established in this region, and those proscribed in their native land, have united to offer you their sincere congratulations on your arrival in these States; whose fruitful liberties are owing in part to your sacrifices and your perseverance. They congratulate themselves on the opportunity, which they thus enjoy (amidst the patriotic recollections of one portion of their company, and the distressing anxieties of the other), of beholding the hero, whose actions, words, and conduct justify their liberal sentiments, and the extremity to which they have gone, in withdrawing themselves from the reach of a government, which persecutes and dooms them, and exposes them to the danger and vicissitudes of exile. Your esteem for the brave and unfortunate Riego; the tribute of remembrance, which, on all occasions, you have taken pleasure in paying to this ill-fated victim of a cruel and jealous court; the homage with which you honor the ashes of this worthy patriot, are at once the best encouragement

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and reward for those, who devote themselves to the sacred cause of liberty. Spaniards, who admired his virtues and shared his opinions, now unfortunate and in exile, come to you, General, with a tranquil conscience. They dare salute you, because they are free from reproach. They are unfortunate. But if in sacrificing themselves, they could save their country, they would cheerfully offer up their lives, invoking, under the axe, the name of Lafayette, and of those, who, like him, presume not to place the obstacles of despotism, tyranny, and the inquisition, in opposition to the spirit of the age, to improvement, and to freedom. Accept, General, the affectionate tribute of our admiration; and let the unhappy Spanish exiles obtain from you an expression of consolation for themselves, and all others who fly before the wasting scourge of tyranny. Such an expression, General, shall be a pledge of your protection, a proof of their innocence, and an assurance of a future more auspicious and honorable to their country."

'The General, whose principles had led him to oppose with energy a measure reproved by France, a measure, which had produced results so afflictive to Spain, and the courageous victims of which were now before him, was profoundly affected by their testimonials of grateful respect, and expressed himself as follows to M. Campe, the president of the deputation;

'"I am equally touched and flattered, sir, by these assurances of esteem and confidence with which I am honored by the former sons of Spain, now citizens of this state, associated, on this occasion, with Spaniards but lately proscribed by a government of terror, that has usurped their rights.

'"While I congratulate those of you, gentlemen, who have the happiness to be members of the great American confederacy, let us all rejoice in the thought that the cause of liberty will in the end triumph over hostile alliances and fraudulent intrigues. Already your beautiful language, the language of Padilla, has become, over an immense extent of territory, in this hemisphere, the language of an independent republic. Already, at two different periods, in the native land of the illustrious and worthy Riego, that language has been the vehicle, in the bosom of the Cortes, of the most eloquent and generous strains; and whatever may have been the momentary success of a war, detested, I delight to say, by France, and of a treacherous influence, in reference to which the Spanish patriots have nothing to learn, liberty will soon return to enlighten and fertilize this interesting part of Europe. Then, and then only, will the manes of Riego, of his young and unfortunate spouse, and of so many other victims to tyranny and superstition, be appeased. Meantime, gentlemen, I am truly grateful for the value, which the Spanish exiles, among whom I reckon

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many excellent personal friends, are pleased to place on my regard for them; and I pray you and them, gentlemen, to accept my sincere and respectful thanks."' Vol. II. pp. 213–216.

Who needs to be reminded, that by thus boldly and eloquently asserting the cause of freedom, wherever he went in his wide tour throughout the United States, General Lafayette turned the etiquette of a ceremonious reception into a living and abiding lesson of the highest truth? By whom else with such authority, on what occasion with such force, to what audience with such pertinency, could the cause of Spanish liberty have been pleaded? This beautiful incident was followed up by another, if not more imposing, equally interesting and affecting.

'In the crowd,' says Colonel Levasseur, 'I noticed some ecclesiastics, and among the rest a Capuchin, whose costume, new to me, had attracted my attention on the day of my arrival. The account which I received of him highly interested me, and will, I doubt not, interest the reader.

'Father Antonio is a venerable Spanish ecclesiastic of the Franciscan order, for many years residing in Louisiana. Surrounded by a population composed of different sects, he has never thought it his duty to trouble the consciences of others, by seeking recruits to his own faith. Sometimes, as a Capuchin, Father Antonio solicits charity, but it is only when he has some good action to perform, and his slender means, exhausted by constant alms-giving, are inadequate of themselves to the object. Every year, when on the return of the sickly season, the yellow-fever drives the wealthy inhabitants of New Orleans to their country seats for protection from disease and death, the worth of Father Antonio is seen in all its force. In these days of terror and mourning, how many unfortunates, abandoned by their friends and even their relations, have been indebted for health and life to his devotedness, to his cares, to his piety! Of all whom he has thus saved (and they are numerous), there is not one who can say, "Before taking me under his care, he inquired what was my religion."' 'When he came to see the General, Father Antonio was clothed according to the rule of his order, in a long brown frock, tied with a rope about the body. As soon as he perceived the General, he threw himself into his arms, saying, "Oh, my son, I have found favor with the Lord, for he has granted me, before I die, to see and hear the worthiest apostle of liberty." He then conversed with the General, for a few moments, in the most affectionate manner, complimented him on the glorious and well deserved reception which he had received from the Americans, and modestly withdrew into a corner of the apartment.' 'When

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the crowd had retired and he found the General alone, he ran to him and pressing him again in his arms, exclaimed, "Adieu my son; adieu, beloved General. Farewell! may the Lord go before thee, and after thy glorious visit is over, may he guide thee to the bosom of thy beloved family, to enjoy in peace the recollection of thy good actions, and the friendship of the people of America. Oh, my son, perhaps thou art still reserved for great achievements! Perhaps the Lord will yet make thee the instrument of emancipating other nations. Should that time come, think, my son, of poor Spain. Abandon not my dear country, my unhappy country." The tears fell on his venerable beard; his utterance was choked, and it was only after a pause of the deepest emotion that he was able to add, "My son, my dear son, do something for my wretched country." ' pp. 230–233.

When we read, in the last papers from France, the accounts of the present state of things in that kingdom; when we notice the irresistible onset made upon the ministry, and the visible purturbation of its ranks, it is impossible wholly to suppress the idea, that another great change is at hand. When we see the spontaneous movement of the people toward the person of Lafayette, the glowing zeal with which they have turned an excursion of business into another triumphant progress, strewing his way with honors such as loyal France never paid to her most cherished princes, we cannot but think, that the aspiration of the venerable Spanish priest is almost prophetic. The feelings of men inspire their actions; public sentiment governs states; and revolutions are the outbreakings of mighty, irrepressible passions. It is in vain to deny that these passions are up, in France; and happy is it, that they have concentrated themselves upon a patriot, whom prosperity has as little been able to corrupt, as adversity to subdue.

The happy amalgamation of the French and American population in Louisiana was evidently one of the most agreeable spectacles, which presented itself to General Lafayette, on his tour. It is one of the most precious lessons which our history contains. When Louisiana was acquired, a great problem presented itself, of which the solution could not be thrust aside; which it was necessary for the government and the people of the United States and the inhabitants of Louisiana to meet. France sold the country to the United States. It is plain, that, on American principles, France could do nothing, which would bind any body but herself; and that we could acquire no rights, under the purchase, except as against France

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and other powers admitting the right of a mother country to transfer the jurisdiction of a colony. It was the opinion of Mr Jefferson and his cabinet, that it was necessary for the people of Louisiana to do some act, expressive of their willingness to join the American people, and that the constitution of the United States must be amended, to admit of this addition to the confederated family. The first measure (which presented no practical difficulties, that we are aware of) was superseded by the obvious good will and predisposition of the population. The second (which in the theory of our government was necessary) was waved under the dictation of high national convenience; and it is not within our knowledge, that the momentous result of transferring all Louisiana (an empire of itself) from one jurisdiction to another, was attended with an irregular movement, which it required a sergeant's guard to repress.

While the Canadas have been haunting the British parliament, for seventy years, like a wrathful ghost, constantly harassed with a legislation that never satisfies them, overwhelmed with favors that do not propitiate, and taunted with concessions which are as grateful to a proud colony as alms-bread is to a proud man, Louisiana has sprung up at once into an affectionate, congenial member of the confederacy. She was Catholic; how did Protestant America deal with that fearfully sensitive interest, the Catholic faith of her newly gathered brethren? The treaty of cession guarantied to them the undisturbed liberty of conscience, with the assurance that this is all, which any communion in the whole republic enjoys. In Canada, the British government *tolerates* the Catholic faith, the faith of the mass of the population, (and next to persecution, *toleration* is the most odious word in the vocabulary of oppression; for the power, that makes a merit of tolerating, claims *ipso facto* the right of not tolerating, that is, of persecuting), endows the Church of England, and even requires the professors of her colleges in Canada to subscribe to the Thirty-nine Articles.*

* In the very interesting debate in the House of Commons, May 2, 1828, 'on the civil government of the Canadas,' *Sir James Mackintosh* observed, 'In Upper Canada, the people were much dissappointed, by the immense grants of land, which had been made to the Church of England, and the reserves kept for a church, which is not the religion of a majority of the people. Such endowments may be held sacred, when they have been long made, but I do not see the propriety of now

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Louisiana had been both a Spanish and a French colony; how did republican America manage the nice questions of government and law? She guarantied to them the enjoyment of all those portions of their old law, which they themselves might choose to retain; declared them independent, and free to adopt any modification of republican government, that they might choose; and admitted them into the federal union, on terms of equality. In Canada, before the question can be answered, on what footing England has placed the law and the government, you must say as to what period of ten years you inquire; for two lustrums is an old age for a British charter in Canada. There is the law of 1763, and the law of 1774, and the law of 1778, and the law of 1791, as each new minister chooses to make what he deems *experimentum in corpore vili.*

Most ardently is it to be wished, that the happy example, which has so prosperously attached to our union, on the south, the French colony of Louisiana, could effectually point the way to an equally auspicious junction of the French colonies of the north. What privileges would it open for the Canadas; what collisions would it obviate between Great Britain and the United States; what a relief would it afford to England; what a noble accession would it constitute to our republic. Great Britain, of course, in the present improved state of political science, can claim no right to control the will of the people of Canada. When this subject was alluded to, in the House of Commons, in the debate above mentioned, all that was maintained in favor of a perpetuity of the colonial bond, was that England was bound *to protect* the colonies. This obligation, of course, ceases at the will of the colonists. It is not the duty of England to protect them, if they do not wish to be protected; and if the four British provinces in North America should to-morrow propose to renounce the government of Great Britain, and join the confederacy of the United States, as the Congress of 1774 invited them to do,

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making such endowments for a church which is not the religion of the people, nor do I understand the regulations, which have been made for the new college in Upper Canada. I see, with astonishment, that in a country, where the majority of the people do not belong to the Church of England, the professors must all subscribe to the Thirty-nine Articles; so that if Dr Adam Smith were alive, he could not fill the chair of political economy, and Dr Black would be excluded from the chair of chemistry.'

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we do not know on what sound principles of natural or national law Great Britain could interpose an objection.

But, to return once more to the work before us, the passage of General Lafayette up the Mississippi; his visits to St Louis, to Kaskaskia in Illinois, to Nashville in Tennessee, to Jeffersonville in Indiana, to Kentucky and Ohio; his return to this neighborhood, to assist in the laying of the corner-stone of the monument on Bunker Hill; his excursion to New Hampshire, Vermont, and Maine; his return through New York, Philadelphia, and Baltimore, to Washington; his valediction at Washington; his passage back to France, and his reception at home,—the topics which fill the residue of the second volume, are richly diversified with interesting matter of every kind. We might specify his rencounter with a female Indian, who had been brought up in civilized, and returned to savage life, the daughter of a chief who had served under Lafayette in 1778, and received from him a written testimonial to his character; the interview at Nashville with the President of the United States; the disaster on the Ohio, occasioned by a *snag;* the visit to Mr Gallatin; the whole ceremonial of Bunker Hill; and the farewell scene at Washington. But we have left ourselves no space for further extracts.

There are those who deny to General Lafayette the name of *a great man.* This is a vague phrase, hard to define, of an acceptation somewhat dependent on the circle in which it is used. Does goodness belong to greatness, and make a part of it? Who is there, that has run through such a career with so little reproach? Are military courage and conduct the test of greatness? Lafayette was trusted by Washington with all kinds of service; the laborious and the complicated, which required patience and skill; the perilous, that demanded nerve; and we see him keeping up a pursuit, effecting a retreat, outmanœuvring an enemy, and heading an assault, with equal reputation and success. Are the willingness to meet tremendous responsibility, and the cool and brave administration of gigantic power, proofs of greatness? Lafayette commanded in chief the national guard of France, three millions of bayonets. Is the fortitude, required to resist the urgency of a multitude pressing onward their leader to crime, a trait of true greatness? Behold Lafayette, when he might have been the chief, becoming the fugitive of the French revolution. Is the solitary and unaided opposition of a good citizen to the pretensions of

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an absolute ruler, whose power was as boundless as his ambition, an effort of greatness? Read the letter of Lafayette to Napoleon Bonaparte, refusing to vote for him as consul for life. Is a voluntary return, in advancing years, to the direction of affairs, at a moment like that when the ponderous machinery of the French empire was flying asunder, stunning, rending, crushing, annihilating thousands on every side, a mark of greatness? Consider his calmness at the tribune, when allied Europe was at the gates of Paris, and Napoleon yet stood in his desperation and at bay. And add to all this the dignity, the propriety, the cheerfulness, the matchless discretion of his conduct, in the strange, new position, in which he was placed in this country. Those who deny such a man the meed of greatness, may award it, if they please, to their Alexanders and Cæsars, their Frederics and their Wellingtons.

Art. VIII.—*A Year in Spain.* By a Young American. Boston. Hilliard, Gray, & Co. 8vo. pp. 395.

The author of this book is certainly a sprightly, sensible, well informed traveller, with great activity of observation, a good talent at narration, and not deficient in the power of presenting scenes and objects to the reader's imagination. In October, 1826, he finds himself at Perpignan in the South of France, which he is the more willing to leave behind for Spain, as he had been disappointed in the scenery, and especially, what he expected to find the most delightful, the vineyards, which, instead of answering to the brilliant picture he had fancied, appeared very like our bean-fields or hop-fields; and as the cold north wind had withered and scattered the vine leaves, and the props, which answer to our bean-poles or hop-poles, had been removed to be housed for the winter, the prospect of the naked fields offered no charms to detain him from passing the Pyrenees. He found little of the Arcadia which he had imagined in this part of France, except the women, whom he admits to be Arcadian and 'beautiful; their glowing eyes and arch expression denoted intelligence and passionate feeling; while their ruddy hue and symmetric conformation gave assurance, that they were both healthy and agile.' In short,

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they were very much like the women of many other places, especially those of Spain, whom our youthful traveller omits no occasion of admiring and celebrating, and, we should say, with some excess of enthusiasm, without, however, intending any offence to the Spanish women, who, as well as those of Rousillon, are, we have no doubt, 'most fascinating creatures.'

After being warned over night by an old stationary French captain, at the same inn, of the necessity of being robbed and assassinated in Spain, he finds himself, before daylight in the morning, rattling over the drawbridge of Perpignan, occupying a part of one of the three compartments of that ample portable structure, a French diligence, drawn by two wheel-horses and three leaders abreast, all managed by a postilion who rides the left wheel-horse, a part of his person being inserted into an immense pair of jackboots, and the rest fantastically dressed. But the equipage was not committed wholly to the skill and discretion of this cavalier, who, with the machine and appurtenances, was under the guidance of the director, whose place, prescribed by law, is the round top, or *impérial*, a circular apartment on the top of the diligence, whence he directs its movement, and superintends its management, but from which he had, in the present instance, descended to occupy the cabriolet in front, answering in some degree to the seat of our stage-drivers, where he sat in a sealskin cap, sundry fur jackets, with a red comforter round his neck, contemplating at his leisure the management of the postilion and the progress of the engine. The dawn disclosed his room-mates to be a French captain going to join his regiment at Barcelona, and the wife of a sub-lieutenant going to join her husband, who was at Figueras in the same service, both belonging to the French army of occupation. The parties, thus brought into so near an intimacy, and a part of them for the first time, did not reconnoitre each other with an indifferent or repulsive silence, but seized the first opportunity of some act of politeness, and seemed to be mutually solicitous of making some little sacrifice, each of his own comfort, in behalf of the others. 'The difference between the French,' says our traveller, 'and most other nations, and the secret of their enjoying themselves in almost every situation, is, that they endeavor to content themselves with the present, and draw from it whatever amusement it may be capable of affording. *Utiliser ses moments*, is a maxim which they not only utter frequently, but follow always.

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They make the most of such society as chance may send them, are polite to persons whom they never expect to see again, and thus often begin, where duller spirits end, by gaining the good will of all who come near them.'

As seen from Perpignan, says our traveller, the Pyrenees had stood in rugged perspective, rising gradually from the Mediterranean, and bending westward where Mont Perdu reared its snowy head upward until it was lost in the heavens. There are three principal passes across these mountains, the southernmost of which was pursued by our travellers, which winds along towards the Mediterranean coast without ascending to a very great elevation. At Junquera, the first Spanish village, a strict scrutiny was made into the baggage for concealed goods, and more especially for prohibited books, a long list, including more especially the works of Voltaire, Rousseau, Marmontel, with all the modern metaphysicians and economists, about which the officers were the more inquisitive, as they had shortly before intercepted a Spanish translation of the 'Social Contract,' invading their territory under the title of the *Lives of the Saints;* which made our traveller apprehensive for a copy of the 'Henriade' in his baggage, for which, however, he conciliated the connivance of the officer by a small bribe, which the representative of the Spanish monarchy at that place, in regard to the article of revenue, hinted, would not be unacceptable to him. The traveller remarks upon the striking contrast in passing the barrier of the two nations. On the French side, the custom-house officers are snugly sheltered; *gendarmes*, well accoutred and well mounted, patrol the country in pursuit of robbers, and for the protection of the inhabitants in their avocations; and all those employed about the custom-house are remarkable for the cleanliness and uniformity of their dress. On the Spanish side, miserable looking *aduaneros* crawl forth with paper cigars in their mouths, in old cocked hats of oiled cloth and tattered cloaks, from ruinous mud hovels. Every man carries a gun for the protection of his person and property.

Descending on the Spanish side, the scene gradually softens, and the valleys are covered with wheat, vines, and olives, and the hills fringed with cork trees.

'This useful production is known in Spain by the name of *alcornoque*. It is a species of the *encina*, which, though of very different appearance from our oak, furnishes a wood of the same

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grain, and produces acorns, which are not so bitter as ours, and which, as an article of food, the poorer classes do not always abandon to the hogs. Thus we are told, that Sancho was a great lover of *bellotas*. The cork tree grows to the height of our apple tree, and spreads its branches much in the same manner; but the trunk is of much greater dimensions, and the foliage of a more gloomy hue. Its trunk and branches are covered with a thick ragged bark, which would seem to indicate disease. The trunk alone, however, furnishes a bark of sufficient thickness to be of use in the arts. It is first stripped away in the month of July, when the tree is fifteen years old; but is then of no use, except to burn, and is only removed for the sake of producing a stouter growth. In the course of six or eight years, the inner bark has grown into a cork of marketable quality, and continues to yield, at similar intervals, for more than a century.' p. 17.

Passing through Figueras, remarkable for the strength of its fortifications, and Gerona, no less remarkble, according to the author, as the scene of one of the labors of Hercules, on the way to Tordera, the diligence crossed several streams without bridges; they came to one, down the banks of which the postilion drove with the greatest speed to which he could provoke his team.

'When, in the middle, however,' says the author, 'we were near stopping; for the river, which was much swollen, entered at the bottom of the diligence, washing through the wheels, and striking against the flanks of our horses, until it rendered them powerless, and had well nigh driven them from their legs. They were for a moment at a stand; but the whip and the voice of the postilion encouraged them to greater exertion, and, after much struggling, they succeeded in dragging the coach over the stones at the bottom of the torrent, and in bringing it safely to land.

'We were not alone in this little embarrassment; for there was a party of about a hundred Frenchmen crossing the stream at the same time. They were going to join a regiment at Barcelona, and with the exception of a few *vieux moustaches* among the non-commissioned officers, who did not need their stripes of service to proclaim them veterans, they were all conscripts, as any one who had seen Vernet's inimitable sketches would readily have conjectured. It happened that there was a small foot-bridge, only one plank in width, which stood on upright posts driven into the bottom of the stream. The water was now nearly even with the top, and in some places flowed over. This, however, afforded a more agreeable way of crossing, than wading the river with water to the arm-pits. The commander of the party had already passed, and stood, buttoned in his *capot* and with folded arms, upon an

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eminence beyond the stream, watching the motions of his followers. Those of the soldiers who had already crossed, stood upon the bank, laughing and hallooing at the unsteady steps of the conscripts, as they came faltering over with caps and coats fitting them like sacks, and their muskets held out before them to assist in maintaining a balance. Though many tottered, only two or three fell, and these came to land well drenched, to the infinite amusement of their comrades. Last came a young sub-lieutenant, evidently on his first campaign, tripping along the plank with the airy step of a *muscadin*. Unfortunately, just as he had cleared two thirds of the bridge, and was quickening his pace with an air of great self-complacency, a flaw of wind, rushing down the ravine, caught the skirts of his oil-cloth coat, and throwing him out of the perpendicular, he fell full length, like a thresher fish, upon the water. The soldiers respected the feelings of their officer and repressed their mirth; they rushed into the stream, each with exclamations of anxiety for *mon lieutenant*, and soon drew him to land dripping with the water, from which his patent cloak had not availed to protect him.' pp. 18, 19.

The author gives a very lively description of the Catalans he met with at Tordera, whose dress seems to be sufficiently striking and singular.

'The men were of large stature, perfectly well made and very muscular; but there seemed something sinister in their appearance, partly produced by the length and shagginess of their hair and the exaggerated cast of their countenances; partly, by the graceless character of their costume. It consisted of a short jacket and waistcoat of green or black velvet, scarce descending half way down the ribs, and studded thickly with silver buttons, at the breasts, lapels, and sleeves; the trowsers of the same material, or of nankeen, being long, full, and reaching from the ground to the arm-pits. Instead of shoes, they wore a hempen or straw sandal, which had a small place to admit and protect the toes, and a brace behind with cords, by means of which it was bound tightly to the instep. Their dark-tanned and sinewy feet seemed strangers to the embarrassment of a stocking, whilst their loins were girt with a sash of red silk or woollen. This article of dress, unknown among us, is universally worn by the working classes in Spain, who say, that it keeps the back warm, sustains the loins, and prevents lumbago; in short, that it does them a great deal of good, and that they would be undone without it. Most of the young men had embroidered ruffles, and collars tied by narrow sashes of red or yellow silk; some displayed within their waistcoat a pair of flashy suspenders of green silk, embroidered with red, and adjusted by means of studs and buckles of silver. The

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most remarkable article, however, of this singular dress, and by no means the most graceful, was a long cap of red woollen, which fell over behind the head, and hung a long way down the back, giving the wearer the look of a cut-throat. Whether from the association of the *bonnet rouge*, or some other prejudice, or from its own intrinsic ugliness, I was not able, during my short stay in Catalonia, to overcome my repugnance to this detestable head-gear.

'As for the women, some of them were dressed in a gala suit of white, with silk slippers covered with spangles; but more wore a plain black frock, trimmed with velvet of the same color. They were generally bare-headed, just as they had come from their dwellings; a few, returning perhaps from mass, had fans in their hands, and on their heads the *mantilla*. The Spanish *mantilla* is often made entirely of lace, but more commonly of black silk, edged with the more costly material. It is fastened above the comb, and pinned to the hair, thence descending to cover the neck and shoulders, and ending in two embroidered points which depend in front. These are not confined, but left to float about loosely; so that, with the ever-moving fan, they give full employment to the hands of the lady, whose unwearied endeavor to conceal her neck furnishes a perpetual proof of her modesty. Though in former times the female foot was doomed in Spain to scrupulous concealment, to display it is now no longer a proof of indecency. The frock had been much shortened among these fair Catalans, each of whom exhibited a well-turned ancle, terminated in a round, little foot, neatly shrouded in a thread stocking, with a red, a green, or a black slipper. They were, besides, of graceful height and figure, with the glow of health deep upon their cheeks, and eyes that spoke a burning soul within. There was much of the grace, and ease, and fascination of the *Provencale*, with a glow and luxuriance enkindled by a hotter sun.' pp. 19, 20.

The author gives a good sketch of the scene presenting itself on his coming in prospect of the Mediterranean, soon after leaving Tordera, and describes the journey as very pleasant along the coast, where the route often passes through neat-looking villages of two rows of houses, mostly of one story, with plastered and whitewashed walls, and roofs covered with red tiles. They arrived at Barcelona on Sunday evening before sunset, and entered the capital of Catalonia with the concourse of the inhabitants and French officers and soldiers, making altogether a very variegated, fantastical group, who had been out to recreate themselves in the promenades and fields, and were hastening to enter the town before the gates should be closed

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for the night. Here the French captain, who had been a fellow traveller with the author from Perpignan, had reached the rendezvous of his regiment, but they did not separate for their respective lodgings without exchanging addresses, as a pledge of further acquaintance; and, though we are afraid of too early exhausting the capacity of our article for quotations, we cannot withhold from our readers the very descriptive and animated picture of this survivor of the Russian campaign. Besides, the sketch is a good specimen of the life led by the officers of an army of occupation. Our traveller and a young Frenchman, with whom he had made acquaintance in the diligence, had no sooner settled their lodgings at the *Fonda of the Four Nations*, than they sallied out to find those of the captain, whom they at length discovered in a little room overlooking one of the narrowest streets of Barcelona.

'As we entered, he was sitting thoughtfully on his bed, with a folded paper in his hand, one foot on the ground, the other swinging. A table, upon which were a few books, and a solitary chair, formed the only furniture of the apartment; while a *schaiko*, which hung from the wall by its nailed throat-lash, a sword, a pair of foils and masks, an ample cloak of blue, and a small portmanteau, containing linen and uniform, constituted the whole travelling equipage and movable estate of this marching officer. We accommodated ourselves, without admitting apologies, on the bed and the chair, and our host set about the task of entertaining us, which none can do better than a Frenchman. He had just got a letter from a widow lady, whose acquaintance he had cultivated when last in Barcelona, and was musing upon the answer. Indeed, his amatory correspondence seemed very extensive; for he took one billet which he had prepared from the cuff of his capot, and a second from the fold of his bonnet, and read them to us. They were full of extravagant stuff, rather remarkable for warmth than delicacy, instead of a signature at the bottom, had a heart transfixed with an arrow, and were done up in the shape of a cocked hat. As for the widow, he did not know where to find words sweet enough for her; and protested that he had half a mind to send her the remaining one of a pair of mustaches, which he had taken from his lip after the campaign of Russia, and which he presently produced, of enormous length, from a volume of tactics.

'When we were about to depart, our captain said that he was going to the *caserne* of his regiment, to assist in an assault of arms which was to be given by the officers, and asked us to go with him. The scene of the assault was a basement room. The pave-

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ment of pounded mortar was covered with plank, to make it more pleasant to the feet. We found a couple already fencing, and our companion soon stripped to prepare for the encounter. It was singular to see the simplicity of his dress. When he removed his boots to put on the sandal, his feet were without stockings, and under his close-buttoned capot there was no waistcoat, nothing to cover his shaggy breast, but a coarse linen shirt without a collar; for the French officers wear nothing about the neck beside a stock of black velvet edged with white. Having taken off the sword-belt which hung from his shoulder, and bound his suspenders round his loins, he rolled his sleeves up, chose a mask and foil, and was ready to step into the arena. It appeared that our captain was master of his weapon, from the difficulty in finding him an antagonist. This, however, was at length removed, by the stepping forth of a close-built little *sabreur*. It was a fine display of manly grace, to see the opening salutations of courtesy, and the fierce contest that ensued, as they alternately attacked and defended, winding themselves within the guard of each other with the stealth and quickness of the serpent, and glaring from within their masks with eyes of fire. The buttons of their foils were not covered with leather, as is usual among more moderate fencers, lest the motion of the points should be embarrassed. Hence the rough edges, as they grazed the arm or struck full upon the breast, brought blood in several places. This same weapon, the foil, is generally used by the French military in duels, with the single preparation of cutting off the button. When the assault was concluded, the antagonists removed their masks and shook hands, as is the custom, in order to remove any irritation that might have occurred during the contest. Then commenced a brisk and earnest conversation upon the performance, furnishing matter for many compliments and never-ending discussion. During a year's residence in France, I had never before met with any one who had taken part in the campaign of Russia; as I now looked, however, upon the muscular arms of the captain and his iron conformation, I was not surprised that he had been of the few who had gone through the horrors of that disastrous expedition.' pp. 23, 24.

Our traveller's room at the inn overlooked a field encumbered with the ruins of a convent of Capuchins, which had been demolished during the troubles of the Peninsula. The site had been sold under the constitution; and the purchasers were already collecting materials to build, when church and state, and the French army under the Duke of Angoulême, dispossessed them of their purchase; and the Capuchins, now returning one after another, like bees hovering about their de-

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molished hive, had laid hands upon the materials collected by the dispossessed purchasers, and were moving to and fro in their long beards, dingy gray dresses, and rope girdles, directing some twenty or thirty workmen in laying anew the foundations of their cloisters. In describing the various groups making up the passing and repassing throng in the *Rambla*, or public walk, in front of the inn, the writer particularly distinguishes the clergy, who very naturally occupy much of his attention, as well as that of every other traveller in this singular country. But this easterly corner of the Peninsula seems to be peculiarly blessed with this consecrated part of Spanish society, the number of priests, and 'friars, black, white, and gray,' being, as he says, two per cent. of the whole population of Catalonia. One person, out of fifty inhabitants, is equivalent to one out of every twelve and a half of the able-bodied male population, a proportion which would be altogether incredible, if these devout persons were all wholly incumbents, one to every eleven, on the industry of their lay neighbors. The truth is, however, that many of them, in a great measure, support themselves by laboring with their own hands in their gardens. But after making all possible allowances in their favor, this ecclesiastical incubus weighs sorely enough upon the energies, both moral and physical, of the Spanish nation.

The author gives a very pleasing account of this city, the third in Spain, being next in population to Valencia and Madrid; the sketch of its history is well drawn, and not too long; the passages, which he commemorates, are all striking,—its foundation by the Carthaginian, Hamilcar, the father of Hannibal,—the Roman town, the arches and pillars of which are incorporated with the present buildings of the oldest part of the city,—the pompous spectacle exhibited in the public square, or *plaza*, where Ferdinand, in presence of his courtiers, received from Columbus the tribute of the first-fruits of the New World, —and the first experiment of steam navigation made in 1543, with an engine invented by Blasco de Garay. But we pass over the description of the city and its environs, to give an account of the *noria*, a simple machine used for raising water from the wells, for the purpose of irrigating the fields, to which they owe their fertility. We wish to attract the attention of our cultivators to the subject of irrigation, for which a great many parts of our country afford so great facilities, not hitherto applied to any practical advantage.

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'The *noria* consists of a vertical wheel placed over a well, and having a band of robes passing round it, to which earthen jars are affixed. These jars, set in motion by the turning of the wheel, descend empty on one side, pass through the water in the well below, and having small holes in the bottom for the air to escape, fill easily, before they ascend on the opposite side. A little water leaks from the air-holes during the ascent, and falls from jar to jar. When arrived at the top, the water is emptied into a trough leading to a reservoir, so placed as to overlook every part of the field which it is intended to irrigate. Connected with the reservoir is a basin for washing clothes. As for the vertical wheel which immediately raises the water, it receives its motion from a horizontal one, turned by a horse, cow, mule, or more commonly an ass. There is something primitive in this rude machine, that carries one back to scripture scenes and oriental simplicity. Often have I sat by the road-side for an hour together, watching the economy of these little farms, such as one may see in the environs of Barcelona. While the laborer was digging among his lettuces, that old-fashioned animal, the ass, performed unbidden his solemn revolutions; the wheel turned, and the ropes of grass brought up the jars and emptied them of their burthen, while at the neighboring reservoir a dark-haired and dark-eyed damsel would be upon her knees beside the basin, her petticoats tucked snugly around her, and as she rubbed the linen with her hand, or beat it against the curbstone, singing some wild, outlandish air, like anything but the music of Europe.—Much labor is doubtless lost by the rude construction of the *noria;* but the system of irrigation, with which it is connected, is an excellent one, and is the means of fertilizing lands which must otherwise have remained uncultivated.' p. 28.

After passing the Ebro at the ferry near its mouth, and arriving at Amposta on its western bank, the traveller is struck with the entire change of personal appearance, physiognomy, and costume of the inhabitants. Though he is still in the province, or kingdom, of Catalonia, still he seems here to meet with the manners and race of the neighboring kingdom of Valencia, that stretches along the coast of the Mediterranean some two hundred miles in a southwesterly direction; the capital of which, the second city of Spain in population, is the next destination of the traveller. Instead of the long pantaloons of the Catalans, reaching from their shoulders to the ground, these Valencians wear short linen small-clothes, *bragas*, which tie over the hips with a drawing-string, and, like the Highland kilt, terminate above the knee. But the long, hanging, point-

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ed, red woollen cap is common to both districts. The leg is either bare or covered with a footless stocking or a sort of leathern gaiters. Instead of the velvet jacket and silver buttons of the Catalan, the Valencian wears a sort of sack-formed garment over his shoulders, which serves both as a bag and a garment. In this he carries the seed-corn in sowing or planting in the fields. At this little town of Amposta, on the bank of the Ebro, the writer fills his journal with a group of card-players before the entrance of the court-yard of the inn, sitting with their bare legs crossed, very intent upon their game; and the motley collection of boxes, straw panniers, fodder for the mules, and supper for the guests in the dining-room of the inn. He remarks that pork is one of the ingredients in almost every dish, the frequent use of which by the Spaniards grew out of the persecutions of the Jews, when the eating of this meat was a practical profession of faith, and proof of orthodoxy.

As this part of the tour, from the Ebro to Valencia, affords the author an opportunity of treating his readers to a robbery, we ought to give some little account of his companions, by way of introduction to this incident. They consisted of a Valencian shopkeeper, dressed in as many colors as a harlequin, but affable and good-natured withal; his wife, a little *en bon point*, as is usual with Spanish married ladies; with their pretty daughter of fifteen; a company of Valencian students, dressed in black, as usual in Spain, without even the relief of a white collar; and a friar. Our traveller is as much troubled with the rapacity of his young companions at this Amposta inn, as Captain Hall was with that of his fellow-guests at the inns in the United States, and the author admits, that the magnificent apartments and luxurious tables of a North River steamboat afford a scene of equal vivacity of appetite. These black, little Catalan collegians incontinently plunged into the first dishes with a very keen alacrity, to the inconvenience of their fellow-feasters, who were for a time obliged to be content with what the intrepid youths spared of each dish. But after assuaging their ardor by repeated assaults upon the garlic-flavored viands, they began to offer to others the dishes of which they had partaken, and at length to help others before serving themselves. Their politeness was more particularly directed to the fair *Valenciana;* and when the desert came, each one of them who sat near, after paring an apple, offered her a portion of it on

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the end of a knife, which she always accepted, eating either the whole or a part, as if obliged so to do by usage. And the young men accompanied these civilities with sundry gallant speeches, all which seemed to be a great violation of propriety to our young traveller, who was fresh from the modest reserve of French damsels; but not so to the parents, who felt quite secure while their daughter was in their sight; nor to the young lady herself, who received the civilities in good part, and occasionally replied to the compliments of her new acquaintances with a sprightly freedom.

The diligence started at two o'clock in the morning; and while it was winding about the hills, and ascending and descending the declivities along the coast, on its way to Valencia, the conductor *(mayoral)* being comfortably rolled up in his box asleep, having left his team to his postilion, José or Pepe, whom he affectionately called Pepito, an interesting, sprightly boy; and while our traveller, who, together with his companions, had fallen into a slumber, was just dreaming of being on the last stage of his journey towards his home, the coach was suddenly stopped, and the momentum of his body, acquired from its velocity, threw him against the forward pannel, and effectually dispersed his dreams.

'There were voices without, speaking in accents of violence, and whose idiom was not of my country. I now raised myself erect on my seat, rubbed my eyes, and directed them out of the windows.

'By the light of a lantern that blazed from the top of the diligence I could discover that this part of the road was skirted by olive trees; and that the mules having come in contact with some obstacle to their progress, had been curtailed of their open column, and brought together into a close huddle, where they stood as if afraid to move, with pricked ears and frightened, gazing upon each other in dumb wonder at the unaccustomed interruption. A single glance to the right hand gave a clue to unravel the mystery. Just beside the fore wheel of the diligence stood a man dressed in that wild garb of Valencia which I had seen for the first time in Amposta. His red cap was drawn closely over his forehead, reaching far down the back, and his striped *manta*, instead of being rolled round him, hung unembarrassed from one shoulder. Whilst his left leg was thrown forward in preparation, a musket was levelled in his hands, along the barrel of which his eye glared so fiercely upon the visage of the conductor, then in contact with the end of it, that it seemed to reflect the light of

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the lantern. On the other side the scene was somewhat different. Pepe being awake when the interruption took place, was at once sensible of its nature. He had abandoned the reins, and jumped from his seat to the road-side, intending to escape among the trees. Unhappy youth, that he should not have accomplished his purpose! He was met by the muzzle of a musket ere he had scarce touched the ground, and a third ruffian appearing at the same moment from the treacherous concealment of the tree towards which he started, he was effectually taken and brought round into the road, where he was made to stretch himself out upon his face, as had already been done with the conductor.

'I could now distinctly hear one of these robbers—for such they were—inquire in Spanish of the *mayoral* as to the number of passengers he had brought; if any were armed; whether there was any money in the diligence; and then, as a conclusion to the interrogatory, demanding "*La bolsa!*" in a more angry tone. The poor fellow did as he was told; he raised himself high enough to draw a large leathern purse from an inner pocket, and, stretching his hand upward to deliver it, he said, "*Toma usted caballero, pero no me quita usted la vida!*" or, "Take it, sir, but leave my life!" Such, however, did not seem to be his intention. He went to the road-side, and bringing a stone from a large heap which had been collected to be broken and thrown on the road, he fell to beating the *mayoral* upon the head with it. The unhappy man when thus assailed, sent forth the most piteous cries for *misericordia* and *piedad;* he invoked the interposition of *Jesu Christo, Santiago Apostol y Martir, La Virgen del Pilar,* and all those sainted names, which, being accustomed himself to hear pronounced with awful reverence, were most likely to prove efficacious in arresting the fury of his assassin. But he might as well have asked pity of the stone that smote him as of the wretch to whose fell fury it had furnished a weapon. He struck and struck again, until becoming at length more earnest in the task he laid his musket beside him and worked with both hands upon his victim. The cries for pity which blows at first excited, blows at length quelled. They had gradually increased with the suffering to the most terrible shrieks, and when this became too strong to bear, it worked its own cure. The shrieks declined into low and inarticulate moans, which, with a deep drawn and agonized gasp for breath and an occasional convulsion, alone remained to show that the vital principle had not yet departed.

'It fared no better, nay even worse with Pepe, though instead of the cries for pity which had availed the *mayoral* so little, he uttered nothing but low moans that died away in the dust beneath him. One might have thought that the youthful appearance of the lad would have ensured him compassion. But the case was different.

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The robbers were doubtless of Amposta, and being acquainted with him, dreaded recognition; so that what in almost any situation in the world would have formed a claim to kindness was here an occasion of cruelty. When both the victims had been rendered insensible, there was a short pause, and a consultation followed in a low tone between the ruffians; and then they proceeded to execute the further plans which had been concerted between them. The first went round to the left side of the diligence, and having unhooked the iron shoe and placed it under the wheel as an additional security against escape, he opened the door of the interior, and, mounting on the steps, I could hear him distinctly uttering a terrible threat in Spanish, and demanding an ounce of gold from each of the passengers. This was answered by an expostulation from the Valencian store-keeper, who said that they had not so much money, but what they had would be given willingly. There was then a jingling of purses, some pieces dropping on the floor in the hurry and agitation of the moment. Having remained a moment in the door of the interior, he did not come to the *cabriolet*, but passed at once to the rotunda. Here he used great caution, doubtless from having seen the evening before at Amposta that it contained no women, but six young students who were all stout fellows. They were made to come down one by one from their strong hold, deliver their money and watches, and then lie down flat upon their faces in the road.

'Meanwhile, the second robber, after consulting with his companion, had returned to the spot where the *zagal* Pepe lay rolling from side to side. As he went towards him he drew a knife from the folds of his sash, and having opened it he placed one of his naked legs on either side of his victim. Pushing aside the jacket of the youth, he bent forward and dealt him many blows, moving over every part of the body as if anxious to leave none unsaluted. The young priest, my companion, shrunk back into his corner, and hid his face within his shivering fingers; but my own eyes seemed spell-bound, for I could not withdraw them from the cruel spectacle, and my ears were more sensible than ever. Though the windows at the front and sides were still closed, I could distinctly hear each stroke of the murderous knife as it entered its victim; it was not a blunt sound as of a weapon that meets with positive resistance; but a hollow hissing noise as if the household implement, made to part the bread of peace, performed unwillingly its task of treachery. This moment was the unhappiest of my life; and it struck me at the time that if any situation could be more worthy of pity than to die the dog's death of poor Pepe, it was to be compelled to witness his fate without the power to raise an arm of interposition.

'Having completed the deed to his satisfaction, this cold-blooded

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murderer came to the door of the *cabriolet*, and endeavored to open it. He shook it violently, calling to us to assist him; but it had chanced hitherto that we had always got out on the other side, and the young priest, who had never before been in a diligence, thought from the circumstance that there was but one door, and therefore answered the fellow that he must go to the other side. On the first arrival of these unwelcome visiters, I had taken a valuable watch which I wore, from my waistcoat pocket, and stowed it snugly in my boot; but when they fell to beating in the heads of our guides I bethought me that the few dollars I carried in my purse might not satisfy them, and replaced it again in readiness to be delivered at the shortest notice. These precautions were, however, unnecessary. The third ruffian, who had continued to make the circuit of the diligence with his musket in his hand, paused a moment in the road ahead of us, and having placed his head to the ground as if to listen, presently came and spoke in an under tone to his companions. The conference was but a short one. They stood a moment over the *mayoral* and struck his head with the butts of their muskets, whilst the fellow who had before used the knife returned to make a few farewell thrusts, and in another moment they had all disappeared from around us.

'In consequence of the darkness, which was only partly dispelled by the lantern which had enabled me to see what occurred so immediately before me, we were not at once sensible of the departure of the robbers, but continued near half an hour after their disappearance in the same situation in which they left us. The short breathing and chattering of teeth, lately so audible from within the interior, gradually subsided, and were succeeded by whispers of the females, and soon after by words pronounced in a louder tone; whilst our mutilated guides by groans and writhing gave evidence of returning animation. My companion and I slowly let down the windows beside us, and having looked round awhile we opened the door and descended. The door of the interior stood open as it had been left, and those within sat each in his place in anxious conversation. In the rear of the coach was a black heap on the ground, which I presently recognised for the six students who had occupied the rotunda, and who having been made to come down one by one, deliver their money and watches, and then stretch themselves out in the road upon their faces, made the oddest figure one can conceive, rolled up in their black cloaks, and with their cocked hats of the same solemn color, emerging at intervals from out the heap. As we came cautiously towards them, they whispered among each other, and then first one lifted his head to look at us, and then another, until finding that we were of the party they all rose at once like a cloud, notwithstanding the threat which the robbers made to them at their departure,

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as we afterwards heard, to wait by the road-side and shoot down the first person who should offer to stir.' pp. 47–50.

In this distressed condition the party were obliged to remain, as they were, in the highway, until the *alcalde* of a neighboring village could be sent for. At length a fat little officer appeared, with a red cockade in token of his loyalty; and when he had very deliberately taken note of the transaction, and the two mangled conductors had been put into a cart to be carried back to Amposta, where they both died of their wounds, two of the patrolling guards, whose business it is to scour the country in pursuit of robbers, cut the rope, which had been stretched across the road and had so suddenly stopped the mules, and conducted the diligence on to San Carlos, the next village on their route. They proceeded on to Valencia without any other accident, passing on the way through Murviedro, a small town on the coast, some fifteen or twenty miles north from Valencia, on the site of the ancient Saguntum, which the author commemorates by giving a short account of Hannibal's siege. From Valencia the route still keeps the coast, *for*, but not *towards*, Madrid some fifty miles to the city of San Felipe, which is as far as Valencia from Madrid. At San Felipe, the road turns in a northwesterly direction for the capital of Spain, and after rising gradually until it has ascended to the height of two thousand feet, you come to the wide plain of New Castile, in which rises the branches of the river Guadiana, which discharges into the Atlantic on the southern boundary of Portugal. This plain the author represents at this season, early in November, as being sufficiently chill, dreary, and monotonous. Small decaying villages are scattered at great distances, between which are no habitations, as the danger of robbery prevents the inhabitants from dispersing their dwellings; and not a tree or shrub is to be seen in the wide unbroken prospect. This nakedness of the country is occasioned by a prejudice of the inhabitants, that trees, by giving shelter to birds, would only invite invaders to their scanty crops. According to the description given by the author, it seems a strip lying between the highlands and Mediterranean, along his route, is comparatively fertile, populous, and busy; but on ascending to the wide table-land, for almost the whole distance to Madrid, the signs of fertility and industry disappear.

And so our conductor brings us to Madrid, having met and being about to meet a thousand adventures, and noting a

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thousand circumstances, characteristic of Spanish character, manners, and ways of life, which we cannot notice. Indeed we have not often travelled with a writer, who selected his objects and incidents better, prosed less, or described and narrated in a more graphic and lively style, or made more sensible and pertinent remarks. His journal at Madrid from the fifth or sixth of November, to the eleventh of April, including his excursions to Segovia and Toledo, is full of interest and information. Among the numerous passages which might be selected in this part of the work (for the difficulty is in choosing, not in finding), we take the account of Don Valentin with whom he took up his quarters for the winter, as throwing incidentally some light upon the government, the character of the king, and the state of things in Spain. He had already agreed with his instructer, an *impurificado*, that is, a person who had been in service under the constitution, and had not received that sort of acquittal granted, by certain associations of loyalists, to those who had not been flagrant patriots, and who would pay for this purification. This person was Don Diego, who had, under the constitution, been employed in the office of the secretary of state. Diego recommended to his pupil to take lodgings at Don Valentin's, of whom the following account is given.

'Don Valentin was a native of Logronio in the fertile canton of Rioja. He was by birth a *hidalgo*, or noble in the small way, after the manner of Don Quixote, and had been of some importance in his own town, of which he was one of the *regidores*. In the political ups and downs of his country, he had several times changed his residence and occupation; was by turns a dealer in cattle which he purchased in France or in the northern provinces of the Peninsula, to strengthen the stomachs of the combatants, who disputed for the possession of Spain; or else a cloth merchant, keeping his shop in the same house where he now lived, near the *Puerta del Sol*. His last occupation was interrupted, according to his own account, in a very singular way. Whilst he had been *regidor* in Logronio, the *Ayuntamiento* of the town became acquainted with the hiding-place in which some French troops, in retreating rapidly towards the frontier, had deposited a large quantity of plate and valuables, robbed from the royal palace. On the return of Ferdinand, the account of the buried plate reached his ears; and having likewise learned that there was a man in Madrid who knew where it had been concealed, he sent at once for Don Valentin, who was the person in question. When

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informed by his majesty that he was required to conduct a party to the place of concealment, he was reluctant to comply. He urged the situation of his affairs. If his store continued open, it would be pillaged by the clerks, who are the most unprincipled fellows, except the *escribanos*, to be found in Spain; and if it were to be shut up, he would lose both present and future custom. Besides, the other *regidores*, his colleagues in the municipality, were yet alive and still resided at Logronio. He hoped, therefore, that his majesty would not send him from his affairs, for he was but a poor man, and had a wife and daughter. These excuses, however, were not satisfactory, and were set aside. Ferdinand promised to recompense all losses that Don Valentin might sustain by abandoning his trade, and to pay him well for the sacrifice; he ended by putting it upon his loyalty. Don Valentin was an Old Castilian; so he hesitated no longer, but sold out, shut his shop and went off to Rioja.

'Whether it was owing to the small number of persons who had been knowing to the secret, or to the sacredness with which the Spaniards regard everything which belongs to their religion and their king, the treasure was all found untouched in the place of its concealment. It was brought safely to Madrid, Don Valentin being at the expense of transportation. He now presents his various claims to government, for damages suffered by loss of trade, and for the expenses of the journey, including the subsistence of the foot soldiers, who had served as escort, which he had defrayed from his own purse. These claims were readily admitted, and an early day appointed for their liquidation. The day at length comes, but the money does not come with it. Don Valentin has an audience of the king; for no king can be more accessible than Ferdinand. He receives the royal word for the payment; for no king could be more compliant. He has many audiences, receives many promises, but no money. Meantime he lives upon hope, and the more substantial balance remaining from the sale of his stock. These were near failing together when the year 1820 brought some relief to the misfortunes of Spain. It likewise improved the condition of Don Valentin. Taking advantage of the publicity which was allowed in Spain by the new system, he establishes a reading-room, were all the daily papers of the capital and of the chief cities of Europe were regularly received. This went on very well, until the French, who never yet came to Spain on any good errand, overthrew the Constitution. The liberty of thought and speech fell with it. Don Valentin was invited to shut up his reading-room, and he once more retired to live upon his savings, amounting to some ten or twelve hundred dollars, which he had stowed away in a secret corner of his dwelling. This was taken out, piece by piece, to meet the necessities of his

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family, until one day the house was entered by three robbers, who muzzled the old woman with a towel, tied her to the bedstead, and then carried off, not only the earnings of Don Valentin, but silver spoons and forks and everything of any value, to the very finery of Florencia. This last blow laid poor Don Valentin completely on his back. All that he now did was to take the *Diario* and *Gaceta*, which his wife let out to such curious people as came to read them in the common entry of their house. This furnished the trio, of which the family consisted, with their daily *puchero;* his daughter with silk stockings and satin shoes, to go to mass and walk of a feast-day upon the Prado, and himself with now and then his paper *cigarillo*.' pp. 90–92.

The author having established himself with Don Valentin, of whose family and domestic economy he gives a very distinct picture, he sallies out from his lodgings daily in pursuit of the lions of the metropolis. He remarks in regard to the situation of this city, that it is by far the most elevated capital in Europe, being two thousand feet above the ocean, and accordingly many times the height of most others, and twice that of Geneva, which is the next highest. This extraordinary height of the metropolis and whole neighboring district is one cause of the severity of the winter in this latitude. He states that in the winter of 1825–6, some of the sentinels of the royal palace were frozen to death in their boxes, though stationed but for half an hour, and though they were Swiss, who might be supposed to be more able to resist frost than the native inhabitants.

Madrid has fifty public fountains from which the water is carried to the houses by people who make it a business, and this is wholly in the hands of Gallicians and Asturians, who bear water about the city until they have made a small fortune of two or three hundred dollars, and then selling out the good will of their district or range to some successor, retire to their native country to pass the rest of their lives in a comfortable independence. Some of the water-bearers carry water about the streets, selling it by the glass-full to those who pass. They are represented as a rough set, little regardful of ordinary courtesy, who never turn from the narrow side-walk for any one. One day Don Diego, the instructer of our traveller, entered his room with his hat in his hand, endeavoring to rid it of a dint, and cursing the *Gallego* who had run against him at the turning of a corner. He had undertaken to lecture him, but the *Gallego* putting down his keg, and drawing himself up with

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dignity, said to him, 'I am a noble, and you, may be, are no more.'

We were struck with the author's account of the figure made by the prompter at the Spanish theatres.

'He is always placed in a tin pulpit, which rises a few feet above the floor, and which is reached from below. The tin, being polished and kept bright, reflects the glare of the lights between which the pulpit is placed, and renders it a most conspicuous object. Hence the prompter reads the whole of the piece, which is afterwards repeated by the players. His book and hand usually project upon the boards, and are seen pointing from one to another of the actors, to indicate whose turn it is. His voice is always audible, and, occasionally in a pathetic part, his declamation becomes loud and impassioned, and he forgets where he is, until called back by the audience. Since the prompter precedes the actor, you frequently know in anticipation what the latter is to say, and the idea is conveyed by the ears before you see the action which is meant to accompany it. After a while the actor draws himself up in a mysterious way, to repeat to you a secret which is already in your possession. This is even more monstrous than the custom which prevailed in the infancy of the Greek drama, of having one man to speak and another to gesticulate.' p. 129.

Some of the public institutions of Madrid appear to be upon a very liberal, magnificent scale, particularly the royal library, consisting of two hundred thousand volumes offered freely to the use of all persons, with a commodious provision of chairs, tables, &c., thirteen persons in all being employed in attendance upon, and superintendence of the establishment. Liberal provision is also made for lectures and instruction in the arts, especially that of painting, in which the Spanish masters hold a very high rank; and the author finds among their works numerous pieces of which he speaks particularly, and for the most part, with great admiration.

Though the Spanish national spectacle of a bull-fight has been often described, we should copy the very animated account of one witnessed by the writer at Madrid had we not already quoted so largely.

Having gratified his curiosity at the capital, the author took his departure early in April for Cordova; and on this journey also, besides those incidents and novelties with which he has a happy talent of filling his journal, he has another opportunity of giving an account of a robbery, for the diligence had but just passed the site of the inn where Don Quixote watched

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his armor and was dubbed knight errant, when it was stopped by the robber, Cacaruco, who with his companions proceeded to plunder the passengers, alleging in excuse that he had no other way of bringing up a large family with any decency. But his family was not long to enjoy the benefit of his industry, for the author learned, before leaving Spain, that he had been seized and executed.

In his account of Cordova, as well as in that of Seville, Cadiz, and of Gibraltar, where the journey ends, the author perhaps introduces historical recapitulations a little too copiously, which can be usually resorted to advantageously by a writer of travels, only for those striking events and incidents, which give a greater interest to living characters and present objects or places visited. As the journal proceeds, there is a little abatement of the freshness of coloring and individuality in the discription usually imparted to a traveller's style by the novelty of objects on first entering a country, and the distinct and strong impressions consequently made upon his own mind. From this cause, as might naturally be expected, from Cordova to the termination of the journey, the journal is less free, rapid, and vivacious than before. But it does not by any means sink into indifferent travels-making. We cannot but think that the historical epitome in the concluding part of the volume, might have been advantageously omitted, for the same reason that we should have preferred less of history in some of the preceding parts; and the pages in which the latitude, longitude, climate, fertility of soil, and other well known geographical and statistical facts, are given, add little to the value of the work, not because the author betrays want of talent or information in those abstracts, but because they are not what readers look for in a volume of this description.

Some parts of the division under the title of 'General view of Spain,' are among the best portions of the book. The sections upon the revenue, the army, the government, and the clergy, are full of interesting facts and just reflections; and the general view of the Spanish character bears marks of a mind of penetrating observation and good skill in generalizing. In this part of the book the author takes occasion, in a note, to pay a just tribute to the character and reputation of Mr Everett, our late minister to Spain, whom he found at Madrid.

We quote the sketch of Ferdinand the Seventh, whose administration of the government, the author, and justly no doubt,

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attributes more to the clergy and the character of the great body of Spanish peasantry, than to any positive qualities and dispositions of his own.

'From these causes, then, and not from the sovereign will of a single individual, originate those persecuting decrees and apostolic denunciations, which have brought on Ferdinand the appellation of bloody bigot, and all the hard names in the calendar of abuse. There is much reason to believe, on the contrary, that he cares little for religion; and though by way of flattering the clergy and the nation, he may once have made a petticoat for the Virgin Mary, yet if the truth were known, he would doubtless be willing to do less for her than for any living *Manola* or *Andaluza*. The character of the present king is, indeed, little known in foreign countries, where, from the mere fact of his being called *El Rey Absoluto*, everything is supposed to emanate from his individual will. His character is not, in fact, so much a compound of vices, as made up of a few virtues and many weaknesses. He is ready to receive the meanest subject of his kingdom, and is said to be frank, good-humored, accessible, courteous, and kingly, in an unusual degree. He will listen attentively to those who appeal to him, appear convinced of the justice of what they ask, and promise compliance, without ever returning to think of the matter. Facility is his great foible, and yet is he occasionally subject to irritability and a disposition to be wrongheaded and have his own way, to the no small inconvenience of those who undertake to direct him. The faults of Ferdinand are partly natural, partly the effect of education. Instead of being trained up and nurtured with the care necessary to fit him for the high station to which he was born, his youth was not only neglected, but even purposely perverted.

'Godoy, whose views were of the most ambitious kind, took great pains to debase the character and understanding of Ferdinand. With this view, and partly perhaps to get rid of his own cast-off courtesans, he not only abandoned him without restraint to the ruling passion of his family, but even threw temptation in his way, well knowing the debasing effect of those early indulgences, which sap the moral and physical energies of youth. Thus a life of uninterrupted sensuality has deadened every manly and generous sentiment. The person of the king was noble and prepossessing in his youth, when he is said to have been the most graceful horseman of his kingdom. In 1808 he was the idol of every heart in the nation. Had he but proved worthy of this devoted loyalty, Spain would present us with a different spectacle. Even now, though his figure has been bent by long indulgence, and his features engraven with heaviness and sen-

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suality, yet is his appearance still rather pleasing than otherwise. There is about him a look of blunt good humor and rough jollity, which gives a flat denial to the cruelty ascribed to him. He is said to have a leaning towards liberalism—weak, perhaps, in proportion to the inefficiency of his character, yet rendered probable by the fact, that he is now more detested by the ruling party, and acting under much more restraint, than in the most boisterous period of the Constitution.' pp. 380, 381.

After what we have said, it is hardly necessary to add, that, on the whole, we think very favorably of the work; and the extracts we have made, being tolerably fair specimens, will, we doubt not, be thought by our readers to justify this opinion, and recommend it more effectually to their attention, than any general praise we could bestow. The modest pretensions of the author would entitle him to a liberal indulgence, if the faults of his production required it; but, compared with its merits, they are few and trivial. Though he proposes his book as the production of a youth, there is nothing in it of juvenile, excepting, perhaps, the rather enthusiastic admiration, and frequent mention, of female charms. The opinions seem to be formed with deliberation, and the reflections, in general, bear the marks of a just thinking.

ART. IX.—*Titi Livii Patavini Historiarum Liber Primus et Selecta quædam Capita.* Curavit Notulisque instruxit CAROLUS FOLSOM, Academiæ Harvardianæ olim Bibliothecarius. Cantabrigiæ, Sumptibus Hilliard et Brown. 1829. 12mo. pp. 296.

THIS selection from the remains of the great Roman historian, is designed for the use of those students in our higher schools, colleges, and universities, who have surmounted the difficulties of grammatical construction in the Latin language, and who are prepared to enter on a course of reading, where the higher qualities of style, as well as the structure, sentiments, and general execution of a work, become objects of attention. For this purpose, we know not how a book could be better adapted, than that which we have now named Livy has been reckoned, even from his own time, among the greatest masters of historical composition; and his copiousness, no-

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bleness of expression, and splendid eloquence have called forth the loudest applauses of critics and commentators. If the selection of an author, in reference to the object in view, is unexceptionable, the manner, in which he is exhibited in this edition, deserves also our commendation. The first book, which is made up almost wholly of those great commonplaces which should be familiar to every scholar, is given entire. From the remaining books, to the end of the fourth decade, such parts have been extracted, as promise, from the events described, and from the manner of narration, to fix the attention, and deeply interest the feelings, of the student. That these extracts may have in no instance the character of mere fragments, the Epitomes of the books are published in their order; by a reference to which, the place in the history that each part occupies, and its relation to the whole, will be easily understood. This volume is likewise recommended by neatness and correctness, qualities so grateful to every scholar, and exhibits, in these respects, a striking contrast to the wretched guise, in which we find too many of the school-classics with which our book-market abounds.

In reading this volume, some suggestions occurred to our minds as to the use which should be made of it, and the *practical* purposes for which it is fitted; and it appeared to us, that a few remarks, bearing on these topics, might not be without their use. But what can be said now of an author, who has been before the world more than eighteen hundred years, and who has been examined, criticized, and weighed, in so great a variety of forms? Perhaps nothing; and yet, on the appearance of this work, some observations may be allowed, if recommended by brevity. We shall enter upon no discussion of the authenticity of the early history of Rome, of the diligence and faithfulness of its historians, and especially of Livy, in examining the monuments and early records of their country; or of their skill in weighing authorities, or of their impartiality in their final judgments. It will be suggested here, merely as deserving the consideration of the reader, whether due allowance has always been made, in deciding on the credibility of the Greek and Roman annalists, for the difference of manner during the early ages in transmitting a knowledge of events; and whether historical criticism, if not a distinct science among the ancients, may not still be recognised to no inconsiderable extent in their writings;—as common sense is the

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same in all ages, and will often, where we little expected it beforehand, force its way and make itself heard, in spite of all obstacles. It may still further merit inquiry, whether, if opinions were to be formed of the diligence and accuracy of the moderns, their freedom from improper biases, and their willingness to allow to all their deserts, from the representations of the English historians of each other, and what they have, moreover, proved as well as asserted, even Livy has any great cause to dread a comparison. Our object is not so remote. We would rather consult the present convenience of our readers, their immediate interest, their practical advantage.

No one can read this volume, whatever he may have thought or heard of the popular eloquence of the Romans, without deeper impressions of its adaptedness to its object, its persuasiveness, its elegance, and its force. Time, which, in most subjects, detects so many errors of judgment and taste, has brought nothing to light here, which can offend the most correct, or shock the most fastidious. Let the addresses, orations, harangues, or whatever other name may best designate them, which are incorporated in the narrative of Livy, be brought to any proper standard, they will bear the trial; let them be weighed in any just balance, they will not be found wanting. Does the occasion require sound argumentation, or careful and exact reasoning? We find it. Is there opportunity for lively description, ardent and powerful appeals to feeling? or does the case in hand naturally awaken emotions of pity and sorrow, of resentment and indignation; or demand ridicule and sarcasm, censure and reproach? We meet them all, each in its proper place; and active must be the imagination of that reader, and quick his discernment in tracing the operations of the understanding and the workings of passion, who does not find himself disappointed at every turn, who is not often surprised by the unexpected pointedness and conclusiveness of the reasoning, the clearness of the statements, and the strength and pungency of the direct appeals to the auditors. Besides, there is a simplicity, a propriety, and an ease of transition from argument to argument, and from topic to topic, that leaves nothing to be wished.

This commendation may be thought high, perhaps extravagant; but we will proceed to a more particular examination. We turn, then, to the speech of Camillus to the commons of Rome, on the proposition to abandon the city, after it had been

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taken and ravaged by the Gauls, and to remove to Veji. It will be recollected, that, on the conquest of this latter city, violent dissensions had arisen between the patricians and plebeians in consequence of a project for sending a colony to Veji, and of dividing the senate and people, so that half should remove to Veji and half remain at Rome; thus of the two cities making one commonwealth. It was urged that Veji had a large and fertile territory, that its situation was superior even to that of Rome, and that its edifices, both public and private, were more splendid and magnificent. The people, pressed forward by the tribune, Titus Sicinius, could hardly be resisted or pacified; and all the power and dignity of the senate were put in requisition to restore tranquillity. Quiet, indeed, followed; but the feelings of discontent and resentment, consequent on defeat, still rankled in the minds of the vanquished party. When Rome was in ashes, after being sacked and burnt by the Gauls, nothing could be more natural than the renewal of the former scheme; and what before seemed desirable, expedient, and highly advantageous, now assumed the form of a necessary and indispensable measure. The question was not now as to quitting their former habitations, for these no longer existed; the houses of Veji were ready to receive them; and they could avoid the trouble and labor of rebuilding the mansions in which they had before lived. What was in the first instance a passion, now became a phrensy.

To stem this strong current of popular feeling, required no common courage and adroitness. The commons were to be managed as well as driven, and Camillus showed himself equal to the occasion. This magistrate, he being now dictator, clothed with the favor secured by recent victory, and supported by the whole body of the senate, ascended the tribunal. In the state of feeling in which his audience then was, the speaker would have at once closed every avenue to conviction, by commencing his address with a direct argument on the case. The course he adopts is circuitous, bringing both the tribunes and the people to reflect on the violence of their proceedings, and thus conciliating their attention. He exhibits himself, not as the willing opponent of their measures, but as influenced in his conduct by the highest considerations of patriotism. The meaning of this introduction we will endeavor to express; the compactness and terseness of the language we should in vain attempt to emulate.

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'Contentions with the tribunes, Romans, are so much my aversion and abhorrence, that, while a wretched exile at Ardea, I had still the consolation to reflect, that I was far removed from these quarrels; and I resolved never more to return to Rome, even should I be recalled by a decree of the senate and an order of your own body. Nor has any change of opinion induced me to again enter the city; but I yielded to the exigencies of the state. The existence of my country was the question at issue, not whether I should reinstate myself in my former situation; and I would now gladly be quiet, nor would I open my lips in your assembly, had not a contest arisen, involving the highest interests of the commonwealth. To be backward and wanting in effort on an occasion like this, while life remains, in others would be disgrace, in Camillus impiety and infamy. Why have we sought the rescue of the city? Why, when it was besieged by the enemy, have we freed it from their grasp, if, after it is recovered, we ourselves desert it? Even when the Gauls were victorious, and the whole city was in their power, the gods and the people of Rome still held possession of the citadel and Capitol; and shall we, now that we are conquerors in our turn, and the city is recovered, desert the citadel and capitol; and our success be followed by wider desolation than our defeat?' p. 130.

The dictator has evidently approached his subject with caution, but without fear; he has avoided unnecessary difficulties, but shunned no real danger; he has come to his point indirectly, but placed it distinctly in view. Having thus gained a hearing, he first dwells upon motives for remaining, drawn from the ceremonies of religion, and the superintendence of the gods over the affairs of Rome; considerations fitted, in the highest degree, to command the respectful attention of the assembly. He reminds them, that, in the events of past years, they would find, that prosperity or adversity had attended their efforts, according as they had been submissive or disobedient to the gods. He adduces as proofs, occurrences within their own recollection; and proceeds to state facts suited, more than all others, to influence the minds of a Roman audience. They inhabit a city, he declares to them, founded under the guidance of auspices and auguries; that every spot is occupied by the gods and religious rites; that, if their solemn religious sacrifices were assigned to particular days, the *places*, in which they were celebrated, were not less immovably fixed. 'How does this project of yours,' he adds, 'compare with the conduct of the excellent youth, Caius Fabius, who, during the late siege, was seen to descend from the citadel, and rush

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through the darts of the enemy, exciting the admiration of the enemy no less than your own, and performed on the Quirinal hill an annual religious ceremony peculiar to his family?' After dwelling on the profaneness of the proposed scheme, and its necessary connexion with the violation of whatever was held sacred in Rome, and directly appealing to the principal deities presiding over the city, he comes to what was, no doubt, the chief argument of his opponents, and one which it required uncommon dexterity to shift off or resist. It had formerly been said, when the proposition to remove to Veji was discussed, that there was nothing to be gained by deserting their present habitations and taking others. Now their houses were in ashes, their city was demolished, Veji was open to receive them, and they could be relieved from the trouble and labor of erecting new buildings on the ruins of the old. Here was a wide field for popular excitement; and the factious tribunes were busy, and would make the most of so favorable a circumstance. The demagogues of the day must have been not a little confounded at the manner of the attack on their favorite position. The dictator shows himself as able in rhetorical, as in military manœuvring. He thus treats this part of the subject.

'But we hear it alleged, that the case itself obliges us to abandon a city laid waste and reduced to ashes, and to take refuge in Veji, where everything is entire, and not to harass the people, reduced as they are to poverty, by compelling them to rebuild their habitations. That this is mere pretence, that the clamor on this point is false and hollow, you would yourselves see, Romans, were I to be silent respecting it; you, who well remember, that when both the public and private edifices were safe, and the city was standing, this same scheme of removing to Veji was agitated. See, tribunes, the difference between my mode of viewing this subject and yours. You think, whatever objections to a removal existed at that time, none exist now. I think, on the contrary,—but do not be surprised, till you hear what I have to say,—that, although a change of residence had been expedient while the city was safe, now, that it is in ruins, to quit it is by no means allowable. The reason is plain. Our recent victory furnished, at that time, a plausible pretence of removing to a captured city, and glory might be anticipated for ourselves and our posterity; but now, a removal would be disgraceful, it would stain our honor, and the credit of the measure would redound to the Gauls. We shall not appear to have left our country as conquerors, but to have lost it, as the vanquished party. It will be

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said, that the flight at Allia, the capture of the city and the siege of the Capitol, imposed on us the hard necessity of deserting our gods, and, by exile and flight, abandoning a place we could no longer defend. But have the Gauls been able to demolish Rome, and shall the Romans appear unable to rebuild it? Will you suffer these very Gauls to return with augmented forces (for we well know that their numbers are immense), and to fix their residence in this city, once taken by them, and now deserted by you? What if the Gauls should not do this, and your old enemies the Æqui or Volsci should establish themselves in Rome,—would you be content, that they should be Romans, and you Vejentians? Which would you prefer, that the city, though a desert, should be possessed by yourselves, or be inhabited by your enemies? A more impious and abominable act, than that proposed, I cannot conceive of. Are you prepared to submit to such criminality and disgrace, from disinclination to building? Even if we could erect throughout the whole city an edifice no better or larger than the cottage of our founder, would it not be preferable to dwell, like shepherds and rustics, in huts, while still amidst your temples and gods, than for the state to go into voluntary banishment?' p. 133.

He proceeds to urge other reasons for rebuilding the city, and dwells particularly on the favorable situation of Rome, its healthful hills, its convenient river, facilitating both internal and external commerce; and the various advantages which the city enjoyed for defence and increase; and closes in the following manner.

'Since such is the case, what reason can there be for hazarding a new experiment? You may, indeed, carry away with you your bravery, but the fortune of this spot admits of no transfer. Here is the Capitol, where, when a human head was formerly found, it was foretold, that this place should be the head of universal empire. Here, formerly, the gods, Juventas and Terminus, to the great joy of our ancestors, refused to be moved. Here are the fires of Vesta; here the shields sent down from heaven; here, if you stay, all the gods proffer their favor and protection.' p. 134.

In this harangue, everything is simple, unaffected, perspicuous, ardent, and forcible, and in the highest degree fitted, in reference to the assembly addressed, to convince and persuade. Nothing is introduced remote from the question at issue, nothing which would have even the least tendency to divert attention, nothing to offend, nothing unintelligible or without the ordinary range of thought of a Roman audience. The whole is so arranged, that the parts succeed each other in the closest connexion, every one arising naturally from what precedes it,

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and by so easy a transition, that attention is more fixed, and curiosity and desire of learning what follows are constantly strengthened. Art, if it here exists, is no more than consummate judgment in selecting the best topics and assigning to each its proper place. Change the order of any one of the arguments, illustrations, direct addresses, or of the appeals to the gods, and the injury is manifest. Any considerable variation being supposed in the arrangement of the topics of this discourse, a new combination of circumstances, to render the whole appropriate, would be necessary.

We are aware, that it is said, that this speech is the production of the historian, and that Camillus had as little to do with its composition, as Livy must be supposed to have had in the preparation of that, if any such there was, which the dictator actually pronounced. This may be true; yet this circumstance, so far as our object is concerned, is of little consequence. We will admit, that it is possible, nay, probable, that the historian in giving an account of the dissensions at Rome, which arose out of the subject of rebuilding the city after its destruction by the Gauls, in stating the reasons for continuing in the ancient place in preference to removing to another, chose to incorporate them in a popular harangue; and to put this in the mouth of one who was chief in power and influence. All this may be allowed; though we have never seen grounds entirely to disbelieve, that in a commonwealth, where popular eloquence confessedly so much prevailed as in the Roman, and where it had so great and commanding an influence, and where records of certain kinds are known to have existed, some more particular notices of events, and even of many discourses on important occasions, were handed down to posterity, than modern critics are willing to allow, or than we have means of directly evincing. But however this may be, whether this speech was composed from authentic memorials of what Camillus actually said, the performance having received only its polish and coloring from the hand of the historian, or whether it is partly or wholly the production of Livy himself, the character of the performance is not altered. As a specimen of popular eloquence, the estimation in which it should be held, must depend upon its own merits, and not on the fact of authorship. One thing, however, must be allowed as certain, that such an address could not be composed, except in a free state, by one who had been trained in the school of popular discussion, and

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who was well acquainted and familiar with the peculiar feelings, partialities, and sympathies of an assembly of Roman citizens. We are aware, that it has been the opinion of some historical critics, that the introduction of this speech into the account of the rebuilding of Rome, and the importance attributed to it, and to an omen observed soon after, connected with the circumstances of the story, throw an air of fable over the whole transaction; or, at least, render it extremely improbable. Such objections, however, have originated, for the most part, with those who have had little personal knowledge of popular governments and popular assemblies. That to persons born and educated amidst institutions in most respects unlike those of Rome in the early ages, especially to those who have been accustomed to see the government everything, and the people nothing, many events should appear incredible, which yet proceeded from the very constitution of society in the Roman republic, need occasion no surprise. Early associations, as all acknowledge, have a lasting, and oftentimes a controlling influence over the judgment. But nothing is more evident, from the uniform testimony of antiquity, than that in small states, such as Rome then was, the most important concerns were managed in general assemblies under the direction of opposing orators, and that measures, which, for the time, would seem to threaten the existence of the state, after the ferment of discussion was over, would soon cease to attract attention or be forgotten. Everything would then proceed in the ordinary course, till some new tempest was excited by a breeze from another quarter.

But, however this may be, and whatever opinion we may form of the genuineness of the speech of Camillus, there are two popular harangues in this volume, taken from the thirty-fourth book of Livy, concerning which very little doubt can exist, that we have them essentially as they were pronounced in the Roman Forum. These are the addresses of the Consul Marcus Porcius Cato, and Lucius Valerius the tribune, on the proposition to abrogate the Oppian law. Cato, who is better known as Cato the Censor, had a high reputation for eloquence in his time. He began the business of public speaking at a very early age, and managed causes in the Forum without compensation; which circumstance, no doubt, promoted the rise of his popularity. The number of his friends and admirers rapidly increased, and in consequence he was advanced to the highest honors of the state. He gained so great celebrity by

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his pleadings, that he was called the Roman Demosthenes, and he awakened an ardent zeal, among the youth of Rome, for the study of eloquence. Nearly fifty times during his life, he was publicly impeached for misdemeanors; and so fortunate, or so able, was he in defending himself, that in every instance he was triumphantly acquitted. Cato was the farthest from being a recluse, or an orator who spoke according to the precepts of the schools, and not according to rules which he had himself verified in his intercourse with the world. He adhered to the practice of the early Romans, in cultivating the ground with his own hands. He prepared his dinner without fire, and his suppers were of the most frugal kind. His dress was plain and unexpensive; he drank the same wine as his slaves; and this mode of life he followed even after his consulship and the honors of a triumph. He early applied himself to agriculture, and made it his amusement in old age. While in the country, he always invited some of his neighbors to sup with him, entertained them with his conversation, which often turned on the praises of the old Romans; and no one knew better how to apply facts and anecdotes, or had a greater number at command. From the remains of his work on agriculture, it is manifest, that, on these occasions, he could discourse also largely on soils, crops, and manures, the management of cattle, and the best modes of preserving oil and wine; could furnish receipts to make cakes, puddings, or sausages, explain the virtues of cabbage, and prescribe for various diseases which flesh is heir to. This kind of intercourse with his country neighbors necessarily led him to become acquainted with their dispositions, their prejudices, and partialities. Nor was he conversant alone with persons in the humbler ranks of life. Though Cato was alarmed at the introduction of the Greek philosophy into Rome, and predicted that the Romans would lose the empire of the world when Grecian literature once became prevalent among them, and was active in procuring a decree of the senate by which the Greek philosophers were expelled from the city, yet he learned Greek in his old age, and became himself a proficient in that very learning, which he had so much feared, and endeavored to destroy. A man, who was at the same time a warrior and a philosopher, a husbandman and an orator, and distinguished in whatever engaged his attention, must have had unusual opportunities of studying the human character in every rank of life; and an oration from such an individual must deeply interest our curiosity.

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That there is good reason to believe, that the oration ascribed to Cato by Livy really belongs to the Censor, with inconsiderable variations, appears from what is said by Cicero. This great Roman orator, in his account of those among his countrymen who had became illustrious by their eloquence, speaks particularly of Cato. He compares him to Lysias, and thinks there is a striking resemblance between the two orators, in their acuteness, their elegance, their sprightly humor, and their brevity. He says that he had seen and read more than one hundred and fifty orations, which then remained of Cato's, and that they possessed the highest rhetorical excellencies. He admits, that the language of the Censor is somewhat antiquated, and that it partakes of the harshness and inelegance of the age in which the orations were composed; but adds, that if it were modernized and should receive the improvement of a more artificial and harmonious arrangement of words, no one would be preferred to Cato. These orations must have been in the possession of Livy; and that which he inserted in his history, was probably one of them, corrected in its style, and fitted in the mode of expression and in the structure of sentences to the taste of the times. The sentiments, the mode of reasoning, the popular cast of the whole discourse, suited, as it is throughout, to the feelings, humors, and prejudices of an assembly of the Roman people, are clearly what might be expected from such a source. Like the other specimens of the popular eloquence of the Romans, furnished by the same historian, it is confined strictly to the subject in view; there are no long digressions; and the connexion of everything said with the main design, is at once perceived.

The occasion of pronouncing the speech in question was this. When the war with Hannibal was at its height, and soon after the battle of Cannæ, so fatal to the commonwealth, a law had been introduced by Caius Oppius, a tribune of the people, by which it was enacted, that no woman should use for ornament more than half an ounce of gold, or wear a dress of different colors, or within the city or any town, or nearer the city than one mile, should ride in a carriage drawn by horses, except for attendance on some religious celebration. In the five hundred and fifty-seventh year of Rome, a proposition was made to repeal this law, on the ground, that as the republic was in a state of great prosperity, the original cause of the law no longer existed. Two of the plebeian tribunes were op-

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posed to the repeal, and supported the Oppian law with all their influence. Many of the nobles joined in the discussion, some for the law and others against it; and the Capitol was filled with crowds showing great ardor and zeal, but divided in their opinions. The women, who were determined not to be controlled by any common rules of decorum in a matter which so nearly concerned them, dispersed themselves through the streets of the city, thronged the avenues to the Forum, and besought the men, that in a time of so great public prosperity, this odious restriction on female ornaments might be removed. The throng of women was constantly on the increase, as their number was enlarged by arrivals from the neighboring villages. They proceeded so far as to make personal applications to the consuls, prætors, and other magistrates, and to conjure them to support their cause.

Cato was of course inexorable to their prayers. All his opinions and prejudices were in favor of the law. A man so temperate in his habits, so attached to the simple manners of the old Romans, and so hostile to luxury as the source of individual and national ruin, could not be supposed to look with patience on a measure, which so directly opposed all his notions of policy. The inroad which was threatened by this seditious movement of the women, on the ancient rigid domestic government of the Romans, must have excited his highest indignation. We accordingly see in his speech the stern and severe Roman, earnest and vehement, yet almost disdaining to discuss such a question in the ordinary way, and aiming to effect his object by insinuation, sarcasm, and strong expressions of contempt, as well as by argument. He begins his harangue in the following manner.

'If each of us, Romans, had supported the proper rank and authority of a husband in his own family, insisting, as he ought, on the obedience and respect of his wife, we should now have less trouble with the whole sex. But because the law is given us at home, and we are there the slaves of female insolence, our independence even in the Forum is contemned and trampled on; and because we have been individually vanquished, we actually stand aghast now we see our wives assembled in a body. I had hitherto supposed, that it was a mere tale, that, in a certain island, the whole race of males was cut off, root and branch, by a conspiracy of the women. Nothing can be more dangerous to either men or women, than to permit these secret assemblies, this caballing and intriguing. I am not confident, whether these

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machinations themselves, or the precedent they establish, should be considered more mischievous in their tendency. This female mutiny, whether it is a spontaneous act of the sex, or brought about by your instigation, tribunes, certainly implies fault in the magistracy, and I know not, whether it is more disgraceful to the tribunes or to the consuls. The shame belongs to you, tribunes, if these women are brought here to aid your seditious purposes; to us, if we suffer laws to be imposed on us by a *secession* of the women, as was formerly done by a secession of the common people. It was not without a deep sense of shame, that I just now entered the Forum through a press of females.' p. 251.

We cannot give this speech entire. The determined spirit of the orator appears from the very exordium, and his consummate judgment in giving the discussion, at the onset, such a turn, as to excite in the minds of the hearers a contempt of his opponents. The insurrection of the women, under the lash of his tongue, savors of the ridiculous; and a preparation is obviously made to secure a favorable hearing to what should follow. The allusion to the former secession of the commons to the *Mons Sacer*, must have been to a Roman audience extremely sarcastic. The orator proceeds to insinuate, that something still more intrusive is aimed at, than the repeal of the Oppian law; reminds the assembly under what salutary restraints females were placed by the ancient institutions of the country; and gives the men to understand, that if once the women acquire an equality of rights, the superiority of the sex will follow as a necessary consequence. The introduction of luxury and avarice was the thing which Cato dreaded; and to guard against so great an evil, he strongly urged the continuance of the law as necessary. He says,

'You have often heard me, Romans, complaining of the profuse expenditures of the women, and also of the men, and not only of men in private life, but even of magistrates. I have told you, that the commonwealth was suffering from two opposite vices, avarice and luxury, plagues which have subverted the greatest empires. As the affairs of the republic are daily more flourishing, as we are enlarging our territories, as we have already passed over into Greece and Asia, which are opulent regions, abounding with the strongest temptations to indulgence, and as we are this moment handling the wealth of kings, I tremble, lest these treasures should gain a more entire mastery over us, than we over them. Believe me, Romans, the statues which have been brought into the city from Syracuse, threaten our ruin. I hear quite too

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many expressing their praises and admiration of the ornaments of Corinth and Athens, and sneering at the earthen images of the gods placed before the temples of Rome. For my part I prefer these gods, so propitious to our interests, and who, I hope, will continue to be our patrons, as long as we suffer them to retain their stations.' p. 253.

The whole speech deserves attentive study, as containing an artful selection of topics, exhibited in a manner admirably suited to produce popular effect.

The consul, however, was defeated in his opposition. The repeal of the law was carried, and the speech of the tribune Lucius Valerius, in support of the measure, is hardly inferior to that of Cato. As there is no doubt of the genuineness of Cato's speech, there is reason likewise to believe, that the harangue ascribed to the tribune is the one actually pronounced by Valerius, it having been polished and modernized by the historian, as above mentioned. We can cite a single passage only in the introduction. As Cato had spoken so contemptuously of this movement of the women, styling it a mutiny and a *secession* of their body, it was important, at first, to remove any unfavorable impression made by this consular ridicule. The tribune begins with a compliment to Cato, and goes on to ask,—

'But what novelty is there in the conduct of the matrons, because in a question which so nearly concerns them, they have appeared in public? Have they never come out in a body before? I will refer you, Cato, to your own "Antiquities." Learn there, how often they have taken the same course, and always for the public good. And first, in the reign of Romulus, when the Capitol was taken by the Sabines, and a battle raged in the Forum, was not the contest hushed by the rushing in of the women between the two armies? And further, after the expulsion of the kings, and the legions of the Volsci had encamped near the city, did not the matrons avert a storm which threatened the existence of Rome? And when the city was captured by the Gauls, by whom was the ransom paid? Did not the matrons unanimously contribute their gold for the public benefit? The cases may be dissimilar, as you say; but they show that the women have now done nothing new. In exigencies, where the interests of both men and women were at stake, nobody wondered at their conduct. Why, then, should we be surprised at what they have done in a matter which so peculiarly concerns themselves?' pp. 254–255.

The whole of this speech is direct, vehement, and argumentative.

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The speeches we have now referred to, as well as all others found in the same historian, and, indeed, in all the historians of antiquity, have throughout that appearance of reality, and that practical and business-like character, which strongly recommend them as patterns for imitation to the youth of our country. They afford examples of a happy union of plainness with elegance, of the utmost clearness and perspicuity, with great closeness and refinement of reasoning, and, what is no slight recommendation, a full and entirely satisfactory exhibition of a subject, with extreme brevity. It is seldom that a passage or a clause can be omitted without obvious injury to the sense, or that anything can be added, which improves the reasoning, or increases the effect which the speaker is aiming to produce. We know not, therefore, where a better foundation can be laid for proficiency in popular eloquence, than in the study of what has descended to us from antiquity, in this department of oratory. For any department of public speaking in modern times, important hints may be derived from the same source. The harangues in other historians have great excellences, particularly those in Thucydides, Sallust, and Tacitus, some of which are perfect in their kind; yet we know of none, which, on the whole, have a stronger claim to attention, than those which are contained in Livy. So manifest are the advantages of making these speeches a study, that we have no hesitation in saying, that whoever enters into their true character, and feels the spirit which pervades every part of them, has made a most important step, in a country like this, towards practical life. He is prepared to read the debates of modern legislative assemblies with additional profit, is better able to separate what is extraneous from what is essential in a discussion, and to unite in the most perfect manner conviction with persuasion, which should be the great object in all public speaking.

Livy has likewise been greatly admired for his descriptions. Whatever he delineates, is painted to the eye; and the effect produced by the works of the greatest artists, either in painting or statuary, must fall far short of that, which follows from the contemplation of one of the pictures of this writer, with no other coloring but that of language. No author ever understood better the selection and arrangement of circumstances, or the power of particular words and phrases, when made to occupy the right place, in affecting the feelings and the imagi-

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nation. We are aware, that it has been often said, that the ancients, in their descriptions of great events, dwell too much upon the surface of things; that what they exhibit is graphic and fitted for the canvass, but fails to awaken the deeper emotions and to excite the stronger passions. We suspect there is some error in this view of the subject. They do not perhaps, so often as the moderns, exhibit an emotion of the mind separate from the causes which produce it; but joy or sorrow is seen to belong to individuals, and those individuals to be in circumstances appropriate to their state of feeling.

The several extracts in this volume may be considered what by artists are denominated *studies;* and all of them deserve to be perused not once, or cursorily, but often, and with close and assiduous attention. Let them be read till the language, the thoughts, and coloring are familiar, and no exhortation will be needed to induce the scholar to look after what else remains of the works of this historian. He will read all which time has spared us; nor will he pause without reluctance, till he has become intimately acquainted with all the great masters of ancient learning, whether of history, philosophy, eloquence, or poetry.

ART. X.—*A Poem delivered before the Porter Rhetorical Society, in the Theological Seminary, Andover; September* 22, 1829. By RICHARD H. DANA. Boston. Perkins & Marvin. 8vo. pp. 15.

BOTH the poetry and the prose of Mr Dana stand conspicuous for their beauty, amidst the various and growing, though still youthful, and rather crude literature of our country. He has gained the respect of that class of readers which he himself would most wish to attract, and he has risen above the censures of those who once altogether condemned him on account of his occasional peculiarities and waywardness of taste and style; so that he is now sure of a favorable and very general attention, whenever he sees fit to request it, which is not so often as we could desire.

If we should say that we were pleased with the poem now before us, we should express but weakly and unworthily the

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feelings with which some of its passages inspired us; if we should say that we were satisfied with it, we should say too much consistently with the exceptions we have taken to what we have considered its faults. Its subject is, 'Thoughts on the Soul'; and these thoughts are principally limited to the consideration and illustration of the fact, that the soul transfers its features, and lends its complexion, to all external things. The subject is thus announced in the commencement of the poem.

> 'It is the Soul's prerogative, its fate,
> To change all outward things to its own state;
> If right itself, then, all without is well;
> If wrong, it makes of all around a hell.
> So multiplies the Soul its joy or pain,
> Gives out itself, itself takes back again.
> Transformed by thee, the world hath but one face.—
> Look there, my Soul! there thine own features trace!
> And all through time, and down eternity,
> Where'er thou goest, that face shall look on thee.' p. 3.

This idea, so poetical and so true, is explained and enforced with great power and beauty as the poem proceeds. There is an abruptness, however, in the manner of introducing some of the thoughts and illustrations, which is of serious injury to the connexion of the whole piece, causing partial obscurity, which it requires a second reading to remove. We seem to be presented with several detached fragments, having a general relation to each other, rather than with a succession of regular steps which lead us on from a beginning to an end. The pearls do not appear to be strung. Doubtless there is a connexion, but our complaint is, that it is not sufficiently distinct and manifest.

We could not help thinking, too, as we perused the poem, that some of its most delightful passages were hurt by feeble or colloquial turns of expression, which seemed to our taste to be quite foreign and adverse to the style and spirit and purpose of the position which they occupy. After saying this, we are bound to produce examples of what we mean. Near the commencement of the poem, the speaker asserts that it is in vain to think of discovering and counting all the emotions of the soul, when we find it impossible to master the knowledge of the external world. This position he thus proceeds to illustrate.

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'Ocean and land, the living clouds that run
Above, or stand before the setting sun,
Taking and giving glory in his light,
Live in a change too subtile for thy sight.
The lot of human kind 's more varied still
By ceaseless acts of sense, and mind, and will.
Yet could'st thou count up all material things,
All outward difference each condition brings,
Perhaps thou'd'st say, "Good Sir, lo, here, the whole!"
—The whole?—One thing thou hast forgot—THE SOUL!'
p. 5.

Without presuming to make our own taste a standard for others, it strikes us that the two last lines are a blot on the rest of the paragraph. The little dialogue which is carried on, and the 'Good Sir,' which commences it so politely, sound to our ears very much out of tune with the grave and somewhat majestic music of the preceding lines. Another instance of the same kind of defect, as it appears to us to be, occurs in the next paragraph but one. In illustration of the main position, that the world without is a reflection of the world within us, the following comparison is introduced.

'Yes, man reduplicates himself. You see,
In yonder lake, reflected rock and tree.
Each leaf at rest, or quivering in the air,
Now rests, now stirs as if a breeze were there
Sweeping the crystal depths. How perfect all!
And see those slender top-boughs rise and fall;
The double strips of silvery sand unite
Above, below, each grain distinct and bright.
—Thou bird, that seek'st thy food upon that bough,
Peck not alone; that bird below, as thou,
Is busy after food, and happy, too.
—They 're gone! Both, pleased, away together flew.'
pp. 5, 6.

In our view, the beauty of the above comparison is marred, if not destroyed, by the abrupt change which is made from the style of description to that of address. The call upon the bird not to peck alone, sounds unnatural, forced, and ill timed. It also interrupts the continuity of the comparison, and leads our attention away from the subject which it was intended to illustrate. Our thoughts are diverted from the soul, and fixed upon that bird and its image in the water; and after we have been finally informed, in the narrative manner, to which the

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poet returns, that both flew away, pleased, together, we are somewhat surprised at finding ourselves with the soul again in the next verse. In short, the whole comparison is made too prominent and too independent. Every reader must feel that it is.

But there is more than excellence enough in the poem to redeem greater defects than those we have noticed. And it is not merely poetical excellence; not merely harmony of numbers, just selection of words, and vividness of imagination; it is something better and brighter superadded to these; it is the excellence of truth, of purity, of moral elevation and moral purpose. The poet's thoughts on the soul are evidently the breathings of his own soul; and his words flow out warmly from his own heart. There is a serious and earnest individuality about Mr Dana's muse, which forbids the suspicion, that she can be playing a part, or that she is in any degree otherwise than what she seems. The love which she demands is respectful love, the homage which is rendered to the beauty of holiness.

We should be unjust to this poem, should we select no other portions from it than those which have already been given. There is a simple majesty, a gentle, persuasive authority in the following sentences, the effect of which is delightful, and so permanent, that it cannot be diminished by repetition.

'Come, listen to His voice who died to save
Lost man, and raise him from his moral grave;
From darkness showed a path of light to heaven;
Cried, "Rise and walk; thy sins are all forgiven."

'Blest are the pure in heart. Would'st thou be blest?
He'll cleanse thy spotted soul. Would'st thou find rest?
Around thy toils and cares he'll breathe a calm,
And to thy wounded spirit lay a balm,
From fear draw love; and teach thee where to seek
Lost strength and grandeur—with the bowed and meek.

'Come lowly; He will help thee. Lay aside
That subtile, first of evils—human pride.
Know God, and, so, thyself; and be afraid
To call aught poor or low that He has made.
Fear nought but sin; love all but sin; and learn
How that in all things else thou may'st discern
His forming, his creating power—how bind
Earth, self, and brother to th' Eternal Mind.

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'Linked with th' Immortal, immortality
Begins e'en here. For what is time to thee,
To whose cleared sight the night is turned to day,
And that but changing life, miscalled decay?' pp. 9, 10.

The next and the last passage that we shall quote, is truly eloquent. In it the writer puts forth his best power, and in it the moral application of the whole subject is finely announced. Nor can we refrain from expressing the opinion, that if the poem had ended with it, the effect would have been much better than with the present conclusion.

'Our sins our nobler faculties debase,
And make the earth a spiritual waste
Unto the Soul's dimmed eye;—'tis man, not earth—
'T is thou, poor, self-starved Soul, hast caused the dearth.
The earth is full of life; the living Hand
Touched it with life; and all its forms expand
With principles of being made to suit
Man's varied powers, and raise him from the brute.
And shall the earth of higher ends be full?—
Earth which thou tread'st!—and thy poor mind be dull?
Thou talk of life, with half thy soul asleep!
Thou "living dead man," let thy spirits leap
Forth to the day; and let the fresh air blow
Through thy soul's shut up mansion. Would'st thou know
Something of what is life, shake off this death;
Have thy soul feel the universal breath
With which all nature's quick! and learn to be
Sharer in all that thou dost touch or see.
Break from thy body's grasp, thy spirit's trance;
Give thy Soul air, thy faculties expanse;—
Love, joy,—e'en sorrow,—yield thyself to all!
They 'll make thy freedom, man, and not thy thrall.
Knock off the shackles which thy spirit bind
To dust and sense, and set at large thy mind!
Then move in sympathy with God's great whole;
And be, like man at first, "A LIVING SOUL!"' pp. 12, 13.

And now, to leave the discussion of excellences and defects, let us advert for a moment to the fact, that this poem and that of Mr Sprague are the two longest of any considerable merit, which have, for we know not how many years, been given to the American public. Mr Dana's consists of fifteen pages, and Mr Sprague's of thirty. It is true that the occasions on which they were pronounced, forbade their being much longer; but how is it, that limited as they are, of necessity,

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they yet exceed in dimensions any others with which we have been treated for an age? For *lengthy* poems, that is, poems which are long and dull too, we disclaim any particular affection. If they must be dull, let them be as short as the authors can possibly afford to make them. Neither are we so extravagant as to call for anything, for some time to come, quite so long and so good as Paradise Lost. But why can we not have a poetical essay, tale, romance, tragedy, or comedy, to which we can sit down, of a winter's afternoon, before a comfortable fire, with the feeling that we hold something in our hands which is to interest and occupy us till bed-time, perchance enchain us beyond our sober bed-time, and find us burning the actual midnight oil? Are we, as Americans, to own no poem, Barlow's Columbiad excepted, which, being bound, can stand alone? Alas! that venerable production has stood alone too along. In solitude it waits for a companion. But we have nothing which can be married to that immortal verse. Oh, for a poem in ten books or cantos, or even in six! Seriously and truly, we are longing for poetry which we can sit down to, and be said to read. We want some of our poets to show us, that their pinions are vigorous and broad enough for a sustained flight. Have we none such; or is it that earthly necessities, and the present constitution of society with us, hold our strong ones down? We are disposed to think, that, unpropitious as these influences are, they might be in some measure overcome by a tithe of the patience and perseverance which English bards have erst exhibited in their upward toilings after immortality; and that even an American public would reward both with money and fame the devotion of a few years to the muse, and the temporary self-denial and privation which that devotion would cause. Look at the seven or eight editions which we have had of 'Pollok's Course of Time,' which surely is not a book of such excellence as to induce despair. The strain of its theology may indeed have been one principal source of its popularity, but its rapid sale is proof that we are not absolutely indisposed to buy long poems. We are very sure that an American poem, even if it were not of first-rate material, would be bought and read for its rarity's sake. We have had sonnets, madrigals, lines, stanzas, and all that sort of magazine and souvenir poetry in abundance. Much of it is very sweet, we confess, but we are beginning to be cloyed with it, and want something more substantial.

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ART. XI.—*The American Almanac and Repository of Useful Knowledge for the Year* 1830. Boston. Gray & Bowen. 12mo. pp. 320.

THE Almanac is perhaps the most popular kind of periodical work, which is published; one which is most widely circulated, and most carefully studied. It is regarded in most families as an indispensable manual of certain kinds of information, and it is often the familiar companion of persons, who read few other books. The first book printed in America, next to the Freeman's Oath, was an Almanac; and from that date to the present time, probably more copies of the Almanac have been annually sold, than of any other publication. Notwithstanding the general interest felt in this description of work, it is one in which the great body of readers content themselves with a very moderate degree of merit, and a very small amount of real information. A record of the movements of the sun, moon, and tides, is almost the only information that is thought indispensable. It is obvious, that the same manual, which makes known to us the hour of the rising and setting of the heavenly luminaries, might at the same time afford a large amount of other information of daily utility.

In other countries the supply of this information has been successfully attempted, and in many parts of this, Almanacs have been for several years annually published, containing, in addition to the usual astronomical tables, an ample and very convenient collection of facts, relating chiefly to the state in which they are put forth. The information contained in these publications is too limited in its scope, and too local in its character, to answer the most important of the purposes to which this species of periodical work seems adapted. It admits of being made a record, not merely of atmospherical phenomena, of state and county officers, and municipal regulations, but of the statistics of every part of the world, of useful discoveries of every sort, and of important historical facts of every description. To be satisfied how extensive may be the scope of such a work, it is only necessary to cast an eye over the table of contents of the little volume now before us. We cannot better exhibit the objects of this work than by copying the Preface.

'The main object of this work is *utility*. It has been the

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aim of its conductors to collect within the smallest compass the greatest amount of useful and practical information on those topics, in which the community is generally interested. The work is divided into Five Parts, and its plan and purposes will best be seen by a brief analysis of each of these.

'The First Part is devoted to the *Calendar*, embracing, in addition to the particulars usually inserted in Almanacs, a large mass of important facts in relation to the celestial movements, and tables for nautical and astronomical purposes. The Eclipses and Occultations have been calculated with extraordinary care, and much valuable information will be found connected with the subject of Tides. The Tide Table is followed by a table of the Latitude and Longitude of the principal places in the United States. To suit the calendar pages to every part of the Union, the rising and setting of the Sun and Moon have been calculated for some of the chief cities in different parts. A column in each month is also devoted to useful remarks, and another to remarkable events. Further explanations of this part of the work will be found prefixed to the Calendar.

'The Second Part contains information, communicated in a simple and intelligible form, respecting the celestial changes and most common astronomical appearances. An account of Almanacs is followed by an explanation of the division of time into Days, Weeks, Months, and Years; the Holydays of the Church; the variety of the Seasons; the Signs of the Zodiac; Astrology; the Moon's Phases, and Eclipses; Tides; Spots on the Sun; the Rotation of the Planets; the Orbits of the Planets; Comets; and much information on other kindred topics, designed to elucidate and adapt them to the understanding of persons of all degrees of knowledge.

'In Part Third are contained miscellaneous articles and directions of general usefulness; a selection from Washington's Agricultural Notes and Journal; Franklin's Poor Richard Revived; advice on the Use of Fruit; an Essay on the advantages of Fresh Air in promoting health and comfort; another on Clothing; and Facts concerning Intemperance.

'The Fourth Part embraces a selection of statistical matters relating to foreign countries, and particularly a curious and full table of the Statistics of the World. In compiling this part, as well as the others, regard has been had not only to the temporary but permanent value of the facts selected. There will be found tables of the Population, Families, Houses, Land, Canals, and Roads of Great Britain; an essay on the Increase of the Inhabitants of Europe; on the comparative force of France and England; the number of books printed in France; the value of

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money in different countries in Europe, reduced to American currency; the Revenues, Expenditures, Trade, Finance, Commerce, Currency, and Manufactures of Great Britain. All these statements are brought down to the latest dates.

'The FIFTH PART occupies a much larger portion of the work, than any of the others, and has the same design in regard to the United States, which the fourth part has in reference to foreign countries. As introductory to the main subjects, a short view is taken of the Colonial Statistics, which is followed by a selection of particulars illustrating the Statistics of the Revolution, such as the Expense of the War, amount of Continental Money issued, Loans in France, Troops employed, Presidents of the Old Congress, Adoption of the State Constitutions, and Signers of the Declaration of Independence. Then follow statistical tables and statements respecting the United States since the foundation of the government, and at present; such as a record of the elections of Presidents; lists of civil officers, Heads of Departments, American Ministers abroad, Foreign Ministers in this country, Judges, Representatives; also the Receipts and Expenditures of the Government, the Public Debt, the Bank of the United States, Commerce, Public Lands, Indians, Post Office, Coinage, Patents, Military Posts, Vessels of War, Navy Yards, Militia, Internal Improvements, Population, Colleges, Religious Denominations, Meteorology. After this come the statistics of *each State*, as far as the facts could be collected, comprising an account of the public revenues, banks, schools, civil officers and their salaries, internal improvements, militia, modes of taxation, prisons, and whatever else relates to the practical administration of government, the organization of local communities, and the moral and physical progress of society. At the close is a Chronicle of the Events of the past year.

'Such is the outline of our plan, as executed in the present attempt. We confess that our wishes have been but partially realized, especially in regard to the individual states. As little pains are taken in several of the states to collect statistical facts, and less to arrange and present them to the public in a tangible form, it is extremely difficult to carry this head to any degree of completeness. Our enterprise was undertaken, also, at too late a period in the year to enable us to procure intelligence from remote states. In some instances, however, the deficiency must be ascribed rather to the remissness of our correspondents, than to any want of effort on our part. What we have published, will be enough to indicate the extent of our plan, and the manner in which it may be filled out. It is presumed, that the states, for their own convenience, will gradually adopt regulations for collecting and embodying particulars of this sort, and then the task of condensing and combining them into a single work will be comparatively easy.

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'Should the success of the present volume warrant the continuance of an annual series, we may venture to promise essential improvements as we proceed. It will be seen, that a great deal of matter in this volume is of a permanent character, suited for reference at any future day, as well as for use in the passing year. *Facts* are unchangeable in their nature, and, when once recorded, their value is never lost. The method of tabular views, for communicating certain kinds of knowledge, has immense advantages over any other, in presenting, at a single glance of the eye, a mass of information, that would be expanded over many pages if exhibited in any other form. In every part of the volume, our chief aim has been to condense the information into as small a space as possible, and at the same time to convey it in so methodical and clear a manner, that it might be easily received by all classes of readers.

'The purpose of this work will allow the admission of many facts besides those of a strictly statistical character. The permanent features of geography may be here exhibited from time to time in tabular and compressed forms; such as the extent of different territories and divisions of the earth, the length of rivers, height of mountains, magnitude of seas, lakes, and islands, and all other particulars naturally embraced in comparative geography. The same may be said of chronological records, not merely as denoting the order of a series of events, but as grouping those of a similar kind under particular heads. In this way may be presented the dates at which the sovereigns of different countries were crowned, and the length of their reigns; the dates and places of memorable battles, the number of men engaged, and loss on each side; the dates of the treaties between nations; and other incidents analogous in their character. These remarks may even be extended to the regions of history and biography. A mass of facts thus collected from year to year, not only will have some interest at the moment, but will at length become a useful storehouse for future recurrence.

'A brief outline of our political progress may also be easily introduced, such as a summary of the proceedings of Congress and of the legislature of the several states for each year, so far as they give rise to any new results either in the promulgation of laws, or the establishment of institutions, or aiding schemes of improvement. All the particulars of this sort, when divested of their extraneous accompaniments, may be brought together within a narrow compass. Notice may also be taken of charitable and religious societies, and associations for promoting the objects of humanity, morals, knowledge, and social order. A comparison of the extent of such efforts might communicate correct views of their effects, and serve as a guide in future undertakings of a like nature.

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'But in all this we have again to confess, that we are only hinting at what may be done, within the scope of our plan, and what we hope will be done, but not what we have actually accomplished or attempted in the present volume.

'The astronomical part, we believe, will be found more full and accurate, than anything of a similar kind which has appeared in the United States. It is intended to answer all the essential purposes of a nautical almanac, in addition to the usual calculations of an almanac and ephemeris. Should the work be continued, great care will be devoted to this part, and new matter will annually be given, illustrating in a simple manner the practical topics in the science of astronomy.'

The objects here proposed are in general satisfactorily accomplished in this volume. There are however some imperfections, which were perhaps inevitable in the commencement of such an undertaking, without a longer time for preparation, and which it may be presumed will be supplied in future numbers. Some tables appear to have been omitted on the idea, that they are too commonly to be met with, to need being here inserted. This we think is not a satisfactory reason for the omission. We would recommend a more extensive collection of foreign statistics. Means ought to be furnished for learning the condition and progress of other countries; and details of this description will be less likely to come to the knowledge of the reader of this volume through other channels, than those which relate to our own country. Details of the latter class, however, will properly constitute the chief part of the work. With the increased opportunity for preparation, which another year will afford, and with the exercise of judgment and the care exhibited in the compilation of the present volume, the conductors will without doubt present us all that can be reasonably desired in a publication of this sort. We hope it may meet with that degree of patronage, which will induce them to persevere in their design.

It would be improper to close this brief notice, without remarking upon the very neat manner in which this volume is printed. It is in a small and delicate type, and on beautiful paper; and in its style of execution, it will compare advantageously with the handsome productions of the British press.

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